



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 26, 2024

BILL NUMBER: House Bill 1511 – Third Reader

SHORT TITLE: Forest Conservation Act - Modifications

DEPARTMENT’S POSITION: SUPPORT WITH AMENDMENTS

EXPLANATION OF DEPARTMENT’S POSITION

The Department supports the passage of HB1511 as it will delay the dates on which certain provisions of the Forest Conservation Act that were passed in 2023 (SB526/HB723) will go into effect. The Department worked out amendments in the House with various stakeholders to allow certain provisions of the law related to mitigation banking to go into effect this year.

Additionally, based on further feedback from the solar industry there is a need to ensure that the solar provisions of the law go into effect on July 1 of 2024 as well.

BACKGROUND INFORMATION

Last year’s SB526/HB723 codified the most significant changes to the Forest Conservation Act since it was enacted in 1991. While administered by the state-level, the FCA is primarily implemented by jurisdictions that have local ordinances reviewed and approved by the Department. However, the deadlines allowed for in SB526/HB723 do not grant adequate time for the Department to issue the necessary guidance and technical specifications for local government entities to comply with state law.

A prime example of how this incongruity manifests is with the deadline for the Department to publish a technical manual by 12/31/24. This technical manual cannot be completed without the Department first developing and then incorporating a new set of regulations, definitions, calculations, standards and exemptions. And yet, many of the provisions in SB526/HB723, which local programs would have to comply with, are promulgated six months earlier, on 7/1/24.

BILL EXPLANATION

HB1511 extends the dates on which certain provisions go into effect from July 1, 2024 to July 1, 2026. It also adds deadlines for the Department to publish an updated model ordinance by July 1, 2025 and updated regulations by July 1, 2026.

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BY:

(To be offered in the Education, Energy, and the Environment)

AMENDMENTS TO HOUSE BILL 1511
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “banks;” insert “authorizing a certain exemption from afforestation requirements;”; and on page 2, in line 13, after “Section” insert “5-1606.”.

AMENDMENT NO. 2

On page 3, after line 3, insert:

“5-1606.

(a) (1) For the following land use categories, tracts having less than 20% of the net tract area in forest cover shall be afforested up to 20% of the net tract area:

(i) Agriculture and resource areas; and

(ii) Medium density residential areas.

(2) For the following land use categories, tracts having less than 15% of the net tract area in forest cover shall be afforested up to 15% of the net tract area:

(i) Institutional development areas;

(ii) High density residential areas;

(iii) Mixed use and planned unit development areas; and

(iv) Commercial and industrial use areas.

(3) Afforestation requirements must conform to the conditions in §§ 5-1607 and 5-1610 of this subtitle, including payment into the Forest Conservation Fund, if afforestation on-site or off-site cannot be reasonably accomplished.

(4) (i) The afforestation requirements under this subsection shall be accomplished within 1 year or 2 growing seasons after the completion of the development project.

(ii) If afforestation cannot be reasonably accomplished on-site or off-site, the requirement to contribute money to a Forest Conservation Fund under § 5-1610 of this subtitle shall be met within 90 days after the completion of the development project.

(5) Linear projects that involve no change in land use may not be subject to afforestation requirements.

(6) SOLAR PHOTOVOLTAIC FACILITIES MAY NOT BE SUBJECT TO AFFORESTATION REQUIREMENTS UNDER THIS SUBTITLE.”;

on page 5, in line 23 and on page 6, in line 22, in each instance, strike the brackets; and in the same lines, in each instance, strike “**2025**”.