



March 8, 2024

The Honorable Marc Korman, Chair
House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Support w Amendment: HB 1511 – Forest Conservation Act – Modifications

Dear, Chair Korman 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 with amendments.

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 does not contain a provision to allow the mitigation banking provisions to go into effect as planned on July 1, 2024. We believe it should 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 of 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. While, as of this writing, we do not have language to propose we have been working with DNR on a solution and expect the committee will have an amendment to consider by the hearing date.

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

Sincerely,

A handwritten signature in blue ink that reads "T.M. Ballentine".

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

cc: Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.