

HB1511-ET_MACo_SUP.pdf

Uploaded by: Dominic Butchko

Position: FAV



House Bill 1511

Forest Conservation Act – Modifications

MACo Position: **SUPPORT**

To: Environment & Transportation Committee

Date: March 12, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1511. This bill extends certain implementation deadlines from the 2023 Forest Conservation Act update. The bill is necessary because certain early implementation elements from a legislative compromise during the 2023 session have not yet been completed, making other deadlines untenable.

Last year, the Maryland General Assembly passed a comprehensive and wide-ranging update to the state's Forest Conservation Act. This legislation was developed with consultation from a variety of stakeholders, including MACo, and established implementation timelines for state and local governments to update their forest conservation policies. HB 1511 provides an extension to certain provisions in last year's update, without which, the entirety of the update will be rendered unimplementable. Both the Department of Natural Resources (DNR) and counties agree that neither will be able to have their required materials completed by the July 2024 full implementation date.

Additionally, counties request that provisions be added ensuring that the reauthorization of forest mitigation banking be allowed to continue this year as scheduled. Counties have already been working with developers in anticipation of this reauthorization, without which projects currently in the pipeline could experience detrimental effects. The Committee can expect amendment language from DNR very soon.

Without the passage of this legislation, there is likely to be a cascading effect which will chill development in Maryland – especially for affordable housing – and place current projects into a legal limbo until the General Assembly reconvenes in 2025. Accordingly, counties strongly urge the Committee to issue HB 1511 a **FAVORABLE** report.

HB 1511, FAV, FCG, OCE, JF, LS24.pdf

Uploaded by: Jessica Fitzwater

Position: FAV



FREDERICK COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE

Jessica Fitzwater
County Executive

HB 1511 – Forest Conservation Act – Modifications

DATE: March 12, 2024
COMMITTEE: House Environment and Transportation Committee
POSITION: Favorable
FROM: The Office of Frederick County Executive Jessica Fitzwater

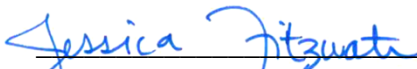
As the County Executive of Frederick County, I urge the committee to give HB 1511 – Forest Conservation Act – Modifications a favorable report.

This bill will extend the deadlines of approval for the Department of Natural Resources and local jurisdictions regarding local forest conservation plans.

Last year, the General Assembly passed legislation that allowed for local jurisdictions to create their own Forest Resource Conservation programs. This gave local governments the opportunity to implement plans specific to the needs of their counties. DNR has been unable to approve these plans and provide guidance in the timeline outlined in last year’s legislation.

HB 1511 will extend the Department of Natural Resources approval deadline from 2024 to 2026. This will allow for the Department to devise meaningful guidance and thoroughly review plans created by local jurisdictions. Without this legislation, local governments are placed in a precarious situation that is no fault of their own. HB 1511 is crucial to ensuring that all counties have the ability to create forest resource conservation plans that suit their unique needs.

Thank you for your consideration of HB 1511. I urge you to advance this bill with a favorable report.



Jessica Fitzwater, County Executive
Frederick County, MD

HB 1511 - CBF - FAV.pdf

Uploaded by: Matt Stegman

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 1511

Forest Conservation Act – Modifications

Date: March 12, 2024	Position: Favorable
To: House Environment and Transportation Committee	From: Matt Stegman Maryland Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS HB 1511**, which would require the Department of Natural Resources (DNR) to update model forest conservation ordinances for local governments by July 1, 2025 and adopt regulations to enforce the Forest Conservation Act by July 1, 2026. The bill also delays the effective date of several provisions of the comprehensive Forest Conservation Act (FCA) update enacted last year.

Ch. 541 passed during the 2023 session updated the state's forest preservation goals while providing new flexibility and tools for local governments and land developers to protect and enhance Maryland's woodlands. This was the first significant update to the FCA since its adoption in 1991. While the urgency to enhance forest protections remains, it is also important that local governments have the appropriate guidance. HB 1511 takes a balanced approach between implementing FCA updates in a timely manner and taking a pause on certain provisions to get implementation right.

CBF urges the Committee's FAVORABLE Report on HB 1511.

For more information, please contact Matt Stegman, Maryland Staff Attorney, at mstegman@cbf.org.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 200,000 members and e-subscribers, including 71,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

HB1511_DNR_SWA_ENT_3-12-24.pdf

Uploaded by: Dylan Behler

Position: FWA



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

March 12, 2024

BILL NUMBER: House Bill 1511 – First 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 is currently working on amendments with the various stakeholders and the sponsor to further alleviate concerns.

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.

Contact: Dylan Behler, Director, Legislative and Constituent Services
dylan.behler@maryland.gov ♦ 410-260-8113 (office) ♦ 443-924-0891 (cell)

HB1511_M-NCPPC_FWA

Uploaded by: Jordan Baucum-Colbert

Position: FWA



POSITION STATEMENT

Informational

Bill: HB 1511 Forest Conservation Act – Modifications

Position: Support with Amendments

Date: March 12, 2024

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear Chair Marc Korman and Vice Chair Regina T. Boyce,

The Maryland-National Capital Park and Planning Commission (M-NCPPC or “the Commission”) has voted to support this bill with amendments. The Commission respectfully requests that the Environment and Transportation committee consider this information and include it in the record.

What this bill Does. This bill requires the Department of Natural Resources to update a certain model local government ordinance and adopt certain regulations relating to forest conservation on or before certain dates. This bill also further delays the dates on which certain provisions of the Forest Conservation Act will apply to certain solar voltaic facilities and forest conservation plans by two years which seriously delays moving existing forest mitigation banking plans forward.

Section 5-1610.1 Natural Resources. The Commission is concerned about certain provisions of this bill and the impact it would have on both Montgomery and Prince George’s Counties which is significant and, we believe, unintended. The current effective date to move forest mitigation banking efforts forwards is July 2024. However, this bill as written could delay the Commission’s ability to conserve existing forests through mitigation banks. Montgomery Planning is completely out of

mitigation banks and has a waiting list of applicants who are ready to create existing forest mitigation banks in July when the law goes into effect. This delay jeopardizes those efforts.

Proposed Amendments to Existing Forest Mitigation Banking Provisions: The Commission suggests that the sponsor amend the language of the bill to keep the section referencing mitigation banks effective in July 2024. If this bill passes in its current form, it could **seriously hinder** the Commission's ability to conserve forests if we cannot use existing forest banks for another two years.

For these reasons, the Commission requests the Committee take these important amendments in consideration and vote favorable with amendments on HB 1511.

MBIA Letter of Support with Amendments HB 1511.pdf

Uploaded by: Lori Graf

Position: FWA

March 7, 2024

The Honorable Marc Korman
Chairman, House Environment & Transportation Committee
House Office Building, Room 251
Annapolis, Maryland 21401

RE: MBIA Letter of Support with Amendments HB 1511 Forest Conservation Act - Modifications

Dear Chairman Korman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 1511 Forest Conservation Act - Modifications**.

This legislation makes some corrections to the Forest Conservation Act amendments that passed the Legislature in 2023. There have been some unexpected challenges in implementation and we support the changes that are proposed.

While MBIA supports the measures in this bill, we would like to propose an amendment. The provision that allows the creation of new forest mitigation banks should be allowed to become effective on July 1, 2024, as that was the date we originally agreed upon. Several jurisdictions, including Montgomery and Prince George's County, have either revised their local conservation ordinances or are in the process to meet the state's increased mitigation requirements already, or are revising them based on the original implementation date. Not allowing new banks based on preservation to be created for an additional two years will have a detrimental effect on our industry, especially in jurisdictions where mitigation requirements have increased substantially.

For these reasons, MBIA respectfully urges the Committee to give this measure **a favorable with amendments** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

HB1511 - Forest Conservation Act - Modifications -

Uploaded by: Tom Ballentine

Position: FWA



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, appearing to read "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.