

HB0991/570516/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 991

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Preservation**” and substitute “**Conservation**”; in lines 3, 6, 8, and 10, in each instance, strike “preservation” and substitute “conservation”; and in line 8, after “purposes;” insert “requiring the Harry R. Hughes Center for Agro–Ecology, in consultation with the Department of Natural Resources, the Department of the Environment, the Department of Planning, the Department of Agriculture, and the Chesapeake Bay Program, to conduct a technical study to review changes in forest cover and tree canopy in the State; providing for the scope of the technical study; requiring the Harry R. Hughes Center for Agro–Ecology to submit a report of its findings to the Governor and the General Assembly on or before a certain date; providing for the termination of certain provisions of this Act; providing for the application of this Act; stating a certain intent of the General Assembly;”.

AMENDMENT NO. 2

On page 2 in lines 24 and 27, on page 4 in line 12, and on page 5 in line 21, in each instance, strike “**PRESERVATION**” and substitute “**CONSERVATION**”.

On page 2, in line 34, strike “**PRESERVE**” and substitute “**CONSERVE**”.

AMENDMENT NO. 3

On page 4, in line 13, after “**BANK**” insert “**, IN WHICH CASE, THE AFFORESTATION OR REFORESTATION CREDIT GRANTED MAY NOT EXCEED 50% OF THE FOREST AREA ENCUMBERED IN PERPETUITY**”.

AMENDMENT NO. 4

On page 5, after line 24, insert:

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“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) The Harry R. Hughes Center for Agro–Ecology, in consultation with the Department of Natural Resources, the Department of the Environment, the Department of Planning, the Department of Agriculture, and the Chesapeake Bay Program, as appropriate, shall conduct a technical study to review changes in forest cover and tree canopy in the State.

(2) The technical study required under paragraph (1) of this subsection shall, to the extent practicable, include:

(i) a survey and mapping of:

1. existing forest cover and tree canopy in the State; and
2. potential afforestation and reforestation locations in the State;

(ii) an analysis of the health and quality of forests in the State;

(iii) an analysis of the progress toward the State’s commitments to expand urban tree canopy acres and plant riparian forest buffers under the 2014 Chesapeake Bay Agreement;

(iv) an analysis of observed and projected changes in land cover and the amount of forest cover in the State due to development or other causes, using the Chesapeake Bay Phase 6 Model, Chesapeake Assessment Scenario Tool (CAST), and county and municipal forest conservation annual reports and land use plans, including the extent and nature of:

1. mitigation activities involving existing forest conserved, tree planting, reforestation, or afforestation under the Forest Conservation Act;

2. forest clearing, planting, and mitigation activity inside and outside priority funding areas and locally designated growth areas; and

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3. the clearing and mitigation of forest considered to be a priority for retention and protection under § 5-1607(c) of the Natural Resources Article and in State-identified targeted ecological areas and greenways, hubs, and corridors and the zoned density and sewer status of those areas;

(v) an analysis of observed and projected changes in the amount of forest cover in the State based on:

1. relevant State or local programs involving tree planting, reforestation, or afforestation; and

2. the amount of forest preserved through federal, State, and local programs, including agricultural preservation, open space, conservation easement, and other land preservation programs;

(vi) a review of forest mitigation banking in the State, including:

1. capacity and location of active banks;

2. regulation of siting and creation of new banks;

3. geographic limitations on the use of mitigation banks;

4. the relationship between fee-in-lieu rates under the Forest Conservation Act and the market for forest mitigation banks; and

5. whether expanding the use of forest mitigation banks could provide water quality improvements and other beneficial results; and

(vii) a programmatic and funding review of federal, State, and local tree and forest planting programs such as:

1. Marylanders Plant Trees;

2. Lawn to Woodland;

3. Backyard Buffers;

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4. Conservation Reserve Enhance Program; and
5. other programs used to further TMDL Watershed Implementation Plans and MS4 permit compliance.

(b) On or before December 1, 2023, the Harry R. Hughes Center for Agro-Ecology shall submit a report of the findings of the technical study required under subsection (a) of this section to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Subject to subsection (b) of this section, this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any qualified conservation completed, and any resulting afforestation or reforestation credits given, to the extent they were approved in good faith under a State or local program as a forest mitigation bank before the effective date of this Act.

(b) Nothing in this section requires a State or local program to reevaluate or alter any of its final determinations related to the granting or denial of afforestation or reforestation credits for qualified conservation made before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly to review the findings in the technical study on changes in forest cover and tree canopy in Maryland required under Section 3 of this Act and, based on the findings, to consider any legislative or other changes necessary to improve the implementation and effectiveness of the Forest Conservation Act, including any changes to the forest mitigation banking program in the State.”;

in line 25, strike “3.” and substitute “6.”; in line 26, strike “October” and substitute “June”; and in the same line, after “2021.” insert “Section 3 of this Act shall remain effective for a period of 3 years and, at the end of May 31, 2024, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.