

# HOUSE BILL 991

M1

(11r2544)

## ENROLLED BILL

— Environment and Transportation/Education, Health, and Environmental Affairs —

Introduced by **Delegate Gilchrist**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Natural Resources—Forest Mitigation Banks—Qualified Preservation~~

3 ~~Conservation~~

4 *Tree Solutions Now Act of 2021*

5 FOR the purpose of establishing the use of qualified ~~preservation~~ conservation in a forest  
6 mitigation bank of all or a part of certain existing forests as a standard for meeting  
7 afforestation or reforestation requirements under the Forest Conservation Act;  
8 defining the term “qualified ~~preservation~~ conservation” as it applies to the Forest  
9 Conservation Act; altering the defined term “forest mitigation banking” as it applies  
10 to the Forest Conservation Act to include the qualified ~~preservation~~ conservation  
11 of forests for certain purposes; requiring a certain landowner who enrolls in the  
12 Conservation Reserve Enhancement Program in certain fiscal years to receive a  
13 certain signing bonus; requiring certain signing bonuses to be funded in a certain  
14 manner; establishing the policy of the State to support and encourage certain  
15 tree-planting efforts, with a goal of planting and helping to maintain in the State a

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 certain number of sustainable trees of species native to the State by the end of a certain  
2 year; specifying that this goal is in addition to certain trees projected to be planted  
3 under certain programs and includes certain tree plantings accomplished through  
4 certain State programs and private efforts; establishing the intent of the General  
5 Assembly that a certain minimum number of trees should be planted in certain  
6 underserved areas; making the Department of the Environment responsible for  
7 tracking the State's progress toward meeting certain tree-planting goals and  
8 requiring the Department of the Environment to serve as the lead agency to receive  
9 certain data; establishing a 5 Million Tree Program Coordinator within the  
10 Department of the Environment; establishing the responsibilities of the Program  
11 Coordinator and requiring the Program Coordinator to consolidate certain data and  
12 make a certain report to certain committees of the General Assembly on or before a  
13 certain date each year; requiring the Governor to formally pledge the State's  
14 commitment to achieving certain tree-planting goals through the U.S. Chapter of the  
15 World Economic Forum's One Trillion Trees Initiative; requiring a certain amount  
16 from the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used for  
17 certain purposes in certain fiscal years; requiring the BayStat Subcabinet agencies to  
18 distribute certain funds through grants to the Green Shores Program; establishing an  
19 Urban Trees Program administered by the Chesapeake Bay Trust; providing for the  
20 purpose of the Urban Trees Program; requiring the Trust to make grants to qualified  
21 organizations for certain purposes; specifying certain eligible Program expenses for  
22 the Urban Trees Program; providing for the funding of the Urban Trees Program;  
23 requiring the Trust to seek certain funds, grants, and donations for the purpose of the  
24 Urban Trees Program; requiring a certain grant agreement to specify the allowed uses  
25 of certain funds and include provisions for the verification of certain information;  
26 requiring the Trust to report certain information concerning certain grant awards to  
27 the Department of Natural Resources and the Department of the Environment on or  
28 before a certain date each year; requiring the Department of the Environment to make  
29 certain transfers from the Bay Restoration Fund for certain purposes in a certain  
30 fiscal year, after funding certain eligible costs; establishing certain authorizations  
31 and restrictions regarding the distribution and use of certain funds in the Chesapeake  
32 and Atlantic Coastal Bays 2010 Trust Fund; providing that certain funds transferred  
33 from the Bay Restoration Fund are supplemental to and may not take the place of  
34 certain other funding; establishing the Commission for the Innovation and  
35 Advancement of Carbon Markets and Sustainable Tree Plantings; providing for the  
36 composition, chair, and staffing of the Commission for the Innovation and  
37 Advancement of Carbon Markets and Sustainable Tree Plantings; prohibiting a  
38 member of the Commission for the Innovation and Advancement of Carbon Markets  
39 and Sustainable Tree Plantings from receiving certain compensation, but authorizing  
40 the reimbursement of certain expenses; requiring the Commission for the Innovation  
41 and Advancement of Carbon Markets and Sustainable Tree Plantings to study and  
42 make recommendations regarding certain matters; requiring the Commission for the  
43 Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings to  
44 report its findings and recommendations to the Governor and the General Assembly  
45 on or before a certain date; requiring the Governor to include certain appropriations  
46 in the State budget for certain programs and purposes in certain fiscal years;  
47 providing that certain money is supplemental to and may not take the place of certain

1  *funding*; requiring the Harry R. Hughes Center for Agro–Ecology, in consultation  
 2 with the Department of Natural Resources, the Department of the Environment, the  
 3 Department of Planning, the Department of Agriculture, and the Chesapeake Bay  
 4 Program, to conduct a technical study to review changes in forest cover and tree  
 5 canopy in the State; providing for the scope of the technical study; requiring the  
 6 Harry R. Hughes Center for Agro–Ecology to submit a report of its findings to the  
 7 Governor and the General Assembly on or before a certain date; providing for the  
 8 termination of certain provisions of this Act; providing for the application of this Act;  
 9 stating a certain intent of the General Assembly; *making certain provisions of this*  
 10 *Act subject to a certain contingency*; making conforming changes and a stylistic  
 11 change; and generally relating to the use of qualified ~~preservation~~ conservation in a  
 12 forest mitigation bank *and tree planting in the State*.

13 BY renumbering

14 Article – Natural Resources  
 15 Section 5–1601(gg) through (pp), respectively  
 16 to be Section 5–1601(hh) through (qq), respectively  
 17 Annotated Code of Maryland  
 18 (2018 Replacement Volume and 2020 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Natural Resources  
 21 Section 5–1601(a) and (b) and 5–1607(a)  
 22 Annotated Code of Maryland  
 23 (2018 Replacement Volume and 2020 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Natural Resources  
 26 Section 5–1601(o), 5–1607(b), and 5–1610.1  
 27 Annotated Code of Maryland  
 28 (2018 Replacement Volume and 2020 Supplement)

29 BY adding to

30 Article – Natural Resources  
 31 Section 5–1601(gg)  
 32 Annotated Code of Maryland  
 33 (2018 Replacement Volume and 2020 Supplement)

34 BY repealing and reenacting, without amendments,

35 Article – Natural Resources  
 36 Section 5–1601(hh)  
 37 Annotated Code of Maryland  
 38 (2018 Replacement Volume and 2020 Supplement)  
 39 (As enacted by Section 1 of this Act)

40 *BY adding to*

41 *Article – Agriculture*

1 Section 8-706  
2 Annotated Code of Maryland  
3 (2016 Replacement Volume and 2020 Supplement)

4 BY adding to  
5 Article – Environment  
6 Section 2-1212  
7 Annotated Code of Maryland  
8 (2013 Replacement Volume and 2020 Supplement)

9 BY repealing and reenacting, without amendments,  
10 Article – Natural Resources  
11 Section 8-2A-02(a), 8-2A-04(a), and 8-1901  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Natural Resources  
16 Section 8-2A-02(f) and 8-2A-04(c)  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2020 Supplement)

19 BY adding to  
20 Article – Natural Resources  
21 Section 8-1911  
22 Annotated Code of Maryland  
23 (2012 Replacement Volume and 2020 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article – Environment  
26 Section 9-1605.2(i)(1)  
27 Annotated Code of Maryland  
28 (2014 Replacement Volume and 2020 Supplement)

29 BY repealing and reenacting, with amendments,  
30 Article – Environment  
31 Section 9-1605.2(i)(2)(xii) and (xiii)  
32 Annotated Code of Maryland  
33 (2014 Replacement Volume and 2020 Supplement)

34 BY adding to  
35 Article – Environment  
36 Section 9-1605.2(i)(2)(xiv) and (11)  
37 Annotated Code of Maryland  
38 (2014 Replacement Volume and 2020 Supplement)

39 BY repealing and reenacting, without amendments,

1 Article – Environment  
 2 Section 9–1605.2(i)(1)  
 3 Annotated Code of Maryland  
 4 (2014 Replacement Volume and 2020 Supplement)  
 5 (As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)

6 BY repealing and reenacting, with amendments,

7 Article – Environment  
 8 Section 9–1605.2(i)(2)(xi) and (xii)  
 9 Annotated Code of Maryland  
 10 (2014 Replacement Volume and 2020 Supplement)  
 11 (As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)

12 BY adding to

13 Article – Environment  
 14 Section 9–1605.2(i)(2)(xiii) and (10)  
 15 Annotated Code of Maryland  
 16 (2014 Replacement Volume and 2020 Supplement)  
 17 (As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 19 That Section(s) 5–1601(gg) through (pp), respectively, of Article – Natural Resources of the  
 20 Annotated Code of Maryland be renumbered to be Section(s) 5–1601(hh) through (qq),  
 21 respectively.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 23 as follows:

24 **Article – Natural Resources**

25 5–1601.

26 (a) In this subtitle the following words have the meanings indicated.

27 (b) “Afforestation” means the establishment of a tree cover on an area from which  
 28 it has always or very long been absent, or the planting of open areas which are not presently  
 29 in forest cover.

30 (c) “Forest mitigation banking” means the intentional restoration [or creation],  
 31 **CREATION, OR QUALIFIED ~~PRESERVATION~~ CONSERVATION** of forests undertaken  
 32 expressly for the purpose of providing credits for afforestation or reforestation  
 33 requirements with enhanced environmental benefits from future activities.

34 **(GG) “QUALIFIED ~~PRESERVATION~~ CONSERVATION” MEANS THE**  
 35 **~~PRESERVATION~~ CONSERVATION OF ALL OR A PART OF AN EXISTING FOREST THAT**  
 36 **IS:**

1           (1) ~~APPROVED~~ WAS APPROVED ON OR BEFORE DECEMBER 31, 2020,  
2 BY THE APPROPRIATE STATE OR LOCAL FOREST CONSERVATION PROGRAM FOR THE  
3 PURPOSE OF ESTABLISHING A FOREST MITIGATION BANK; AND

4           (2) ~~ENCUMBERED~~ IS ENCUMBERED IN PERPETUITY BY A  
5 RESTRICTIVE EASEMENT, COVENANT, OR ANOTHER SIMILAR MECHANISM  
6 RECORDED IN THE COUNTY LAND RECORDS TO ~~PRESERVE~~ CONSERVE ITS  
7 CHARACTER AS A FOREST.

8           (hh) (1) “Reforestation” or “reforested” means the creation of a biological  
9 community dominated by trees and other woody plants containing at least 100 trees per  
10 acre with at least 50% of those trees having the potential of attaining a 2 inch or greater  
11 diameter measured at 4.5 feet above the ground, within 7 years.

12           (2) “Reforestation” includes landscaping of areas under an approved  
13 landscaping plan that establishes a forest that is at least 35 feet wide and covering 2,500  
14 square feet of area.

15           (3) “Reforestation” for a linear project which involves overhead  
16 transmission lines may consist of a biological community dominated by trees and woody  
17 shrubs with no minimum height or diameter criteria.

18 5–1607.

19           (a) The preferred sequence for afforestation and reforestation shall be established  
20 by the State or local authority in accordance with the following after all techniques for  
21 retaining existing forest cover on–site have been exhausted:

22           (1) Those techniques that enhance existing forest and involve selective  
23 clearing or supplemental planting on–site;

24           (2) On–site afforestation or reforestation may be utilized where the  
25 retention options have been exhausted. In those cases, the method shall be selected in  
26 accordance with subsection (b) of this section, and the location shall be selected in  
27 accordance with subsection (d) of this section;

28           (3) (i) Off–site afforestation or reforestation in the same watershed or  
29 in accordance with an approved master plan may be utilized where the applicant has  
30 demonstrated that no reasonable on–site alternative exists, or where:

31                       1. Any on–site priority areas for afforestation or  
32 reforestation have been planted in accordance with subsection (d) of this section; and

1                   2.     The applicant has justified to the satisfaction of the State  
2 or local jurisdiction that environmental benefits associated with off-site afforestation or  
3 reforestation would exceed those derived from on-site planting;

4                   (ii)    In these cases, the method shall be selected in accordance with  
5 subsection (b) of this section, and the location shall be selected in accordance with  
6 subsection (d) of this section; and

7                   (iii)   Off-site afforestation or reforestation may include the use of  
8 forest mitigation banks which have been so designated in advance by the State or local  
9 forest conservation program which is approved by the Department; and

10                  (4)    The State or local jurisdiction may allow an alternative sequence for a  
11 specific project if necessary to achieve the objectives of a local jurisdiction's land use plans  
12 or policies or to take advantage of opportunities to consolidate forest conservation efforts.

13                  (b)    Standards for meeting afforestation or reforestation requirements shall be  
14 established by the State or local program using one or more of the following methods:

15                  (1)    Forest creation in accordance with a forest conservation plan using one  
16 or more of the following:

17                   (i)    Transplanted or nursery stock;

18                   (ii)   Whip and seedling stock; or

19                   (iii)   Natural regeneration where it can be shown to adequately meet  
20 the objective of the forest conservation plan.

21                  (2)    **THE USE OF QUALIFIED ~~PRESERVATION~~ CONSERVATION**  
22 **COMPLETED IN A FOREST MITIGATION BANK, IN WHICH CASE, THE AFFORESTATION**  
23 **OR REFORESTATION CREDIT GRANTED MAY NOT EXCEED 50% OF THE FOREST AREA**  
24 **ENCUMBERED IN PERPETUITY.**

25                  (3)    The use of street trees in a municipal corporation with a tree  
26 management plan, in an existing population center designated in a county master plan that  
27 has been adopted to conform with the Economic Growth, Resource Protection, and Planning  
28 Act of 1992, or in any other designated area approved by the Department as part of a local  
29 program, under criteria established by the local program, subject to the approval of the  
30 Department, using:

31                   (i)    Street trees as a permissible step in the priority sequence for  
32 afforestation or reforestation and, based on a mature canopy coverage, may grant full credit  
33 as a mitigation technique; and

1 (ii) Acquisition as a mitigation technique of an off-site protective  
2 easement for existing forested areas not currently protected in perpetuity, in which case  
3 the afforestation or reforestation credit granted may not exceed 50% of the area of forest  
4 cover protected.

5 [(3)] (4) When all other options, both on-site and off-site, have been  
6 exhausted, landscaping as a mitigation technique, conducted under an approved  
7 landscaping plan that establishes a forest at least 35 feet wide and covering at least 2,500  
8 square feet of area.

9 5-1610.1.

10 (a) The Department shall develop standards and adopt regulations for the  
11 creation and use of forest mitigation banks, including criteria for tracking, crediting,  
12 maintaining, bonding, and reporting mitigation bank activities.

13 (b) A local jurisdiction may develop procedures for establishing forest mitigation  
14 banks as part of its forest conservation program.

15 (c) Mitigation banks may be [permitted] **ALLOWED** only in priority areas as  
16 identified in § 5-1607(d) of this subtitle or as identified in a comprehensive plan adopted  
17 by a local jurisdiction.

18 (d) The establishment of mitigation banks and their use may not alter the  
19 sequence for retention, reforestation, or afforestation on a development site as outlined in  
20 § 5-1607 of this subtitle.

21 (e) Criteria established by local or State programs for the use and establishment  
22 of forest mitigation banks shall include protection and conservation in perpetuity of forest  
23 mitigation banks consistent with reasonable management plans, through methods that  
24 include easements, covenants, or similar mechanisms that shall be in place at the time  
25 credits are withdrawn.

26 (f) This section may not be construed to require the Department or a local  
27 jurisdiction to:

28 (1) Establish or fund State or local mitigation banks;

29 (2) Fund the establishment of forest mitigation banking by the private  
30 sector; or

31 (3) Use State or local government land for forest mitigation banking.

32 (g) (1) Credits in a mitigation bank may not be approved for debiting until  
33 construction **OR QUALIFIED PRESERVATION CONSERVATION** of the mitigation bank is  
34 complete.



1 (2) A mitigation bank THAT REQUIRES CONSTRUCTION shall maintain  
2 sufficient credits in reserve to cover anticipated expenses of completion of the mitigation  
3 bank.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
5 as follows:

6 Article – Agriculture

7 8–706.

8 (A) TO MAXIMIZE PARTICIPATION IN THE CONSERVATION RESERVE  
9 ENHANCEMENT PROGRAM, IN FISCAL YEARS 2023 THROUGH 2031, INCLUSIVE, A  
10 LANDOWNER WHO ENROLLS LAND PLANTED WITH A FORESTED STREAMSIDE BUFFER  
11 SHALL RECEIVE A ONE-TIME SIGNING BONUS OF UP TO \$1,000 PER ACRE OF LAND  
12 ENROLLED.

13 (B) SIGNING BONUSES PROVIDED UNDER THIS SECTION SHALL BE FUNDED  
14 WITH:

15 (1) MONEY APPROPRIATED UNDER SUBSECTION (C) OF THIS  
16 SECTION; AND

17 (2) THE AMOUNT SPECIFIED IN § 9–1605.2(I)(11)(I) OF THE  
18 ENVIRONMENT ARTICLE.

19 (C) (1) FOR FISCAL YEARS 2024 THROUGH 2031, IN EACH YEAR THE  
20 GOVERNOR SHALL APPROPRIATE \$2,500,000 IN THE ANNUAL STATE BUDGET TO  
21 FUND TREE PLANTING UNDER THIS SECTION AND OTHER TREE PLANTING  
22 PROGRAMS ON AGRICULTURAL LAND.

23 (2) MONEY APPROPRIATED UNDER THIS SUBSECTION IS  
24 SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT WOULD  
25 OTHERWISE BE APPROPRIATED FOR TREE PLANTINGS UNDER THIS SECTION AND  
26 OTHER TREE PLANTING PROGRAMS ON AGRICULTURAL LAND.

27 Article – Environment

28 2–1212.

29 (A) (1) IT IS THE POLICY OF THE STATE TO SUPPORT AND ENCOURAGE  
30 PUBLIC AND PRIVATE TREE-PLANTING EFFORTS, WITH A GOAL OF PLANTING AND

1 HELPING TO MAINTAIN IN THE STATE 5,000,000 SUSTAINABLE TREES OF SPECIES  
2 NATIVE TO THE STATE BY THE END OF CALENDAR YEAR 2031.

3 **(2) THIS GOAL:**

4 **(I) IS IN ADDITION TO ANY TREES PROJECTED TO BE PLANTED**  
5 **UNDER PROGRAMS DESCRIBED IN THE 2019 DRAFT GREENHOUSE GAS EMISSIONS**  
6 **REDUCTION PLAN; AND**

7 **(II) INCLUDES NATIVE TREE PLANTINGS ACCOMPLISHED**  
8 **THROUGH STATE PROGRAMS AND THROUGH THE EFFORTS OF NONPROFIT AND**  
9 **PRIVATE ORGANIZATIONS.**

10 **(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AT LEAST**  
11 **500,000 OF THE 5,000,000 TREES CALLED FOR BY THIS SUBSECTION SHOULD BE**  
12 **PLANTED IN AN "UNDERSERVED AREA", AS DEFINED IN § 8-1911 OF THE NATURAL**  
13 **RESOURCES ARTICLE.**

14 **(B) (1) THE DEPARTMENT:**

15 **(I) IS RESPONSIBLE FOR TRACKING THE STATE'S PROGRESS**  
16 **TOWARD MEETING THE GOALS ESTABLISHED UNDER SUBSECTION (A) OF THIS**  
17 **SECTION; AND**

18 **(II) SHALL SERVE AS THE LEAD AGENCY TO RECEIVE DATA**  
19 **FROM:**

20 **1. THE MARYLAND DEPARTMENT OF AGRICULTURE**  
21 **REGARDING TREE PLANTINGS ACCOMPLISHED THROUGH THE CONSERVATION**  
22 **RESERVE ENHANCEMENT PROGRAM AND OTHER AGRICULTURAL INITIATIVES;**

23 **2. THE DEPARTMENT OF NATURAL RESOURCES**  
24 **REGARDING TREE PLANTINGS ACCOMPLISHED THROUGH THE CHESAPEAKE AND**  
25 **ATLANTIC COASTAL BAYS 2010 TRUST FUND, THE MEL NOLAND WOODLAND**  
26 **INCENTIVES FUND, AND OTHER FORESTRY INITIATIVES; AND**

27 **3. THE CHESAPEAKE BAY TRUST REGARDING TREE**  
28 **PLANTINGS ACCOMPLISHED THROUGH THE URBAN TREES PROGRAM.**

29 **(2) (I) THERE IS A 5 MILLION TREE PROGRAM COORDINATOR**  
30 **WITHIN THE DEPARTMENT.**

1 (II) THE PRIMARY RESPONSIBILITY OF THE PROGRAM  
 2 COORDINATOR IS TO PROMOTE, FACILITATE, AND ALIGN THE STATE'S EFFORTS TO  
 3 ACHIEVE THE GOALS ESTABLISHED UNDER SUBSECTION (A)(1) OF THIS SECTION.

4 (III) ON OR BEFORE DECEMBER 1 EACH YEAR, THE PROGRAM  
 5 COORDINATOR SHALL:

6 1. CONSOLIDATE DATA ON TREE PLANTINGS FROM  
 7 MULTIPLE SOURCES; AND

8 2. REPORT, IN ACCORDANCE WITH § 2-1257 OF THE  
 9 STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND  
 10 ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND  
 11 TRANSPORTATION COMMITTEE ON THE STATE'S PROGRESS TOWARD MEETING THE  
 12 GOALS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

13 (C) THE GOVERNOR SHALL FORMALLY PLEDGE THE STATE'S COMMITMENT  
 14 TO ACHIEVING THE GOALS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION  
 15 THROUGH THE U.S. CHAPTER OF THE WORLD ECONOMIC FORUM'S ONE TRILLION  
 16 TREES INITIATIVE.

17 Article – Natural Resources

18 8-2A-02.

19 (a) There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

20 (f) (1) The Fund may be used only for the implementation of nonpoint source  
 21 pollution control projects to:

22 (i) Support State and local watershed implementation plans by  
 23 targeting limited financial resources on the most effective nonpoint source pollution control  
 24 projects; and

25 (ii) Improve the health of the Atlantic Coastal Bays and their  
 26 tributaries.

27 (2) It is the intent of the General Assembly that, when possible, moneys in  
 28 the Fund shall be granted to local governments and other political subdivisions for  
 29 agricultural, forestry, stream and wetland restoration, and urban and suburban stormwater  
 30 nonpoint source pollution control projects, including up to 25% in matching funds to local  
 31 governments and other political subdivisions that have enacted a stormwater remediation  
 32 fee under § 4-202.1 of the Environment Article.

1 (3) (I) IN EACH FISCAL YEAR FROM 2023 THROUGH 2031,  
2 INCLUSIVE, \$1,250,000 FROM THE FUND SHALL BE USED TO FUND:

3 1. THE 5 MILLION TREE PROGRAM COORDINATOR  
4 POSITION IN THE DEPARTMENT OF THE ENVIRONMENT; AND

5 2. SUBJECT TO SUBPARAGRAPH (II) OF THIS  
6 PARAGRAPH, 13 CONTRACTOR POSITIONS IN THE FOREST SERVICE OF THE  
7 DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE, PLANNING, AND  
8 COORDINATION RELATED TO TREE PLANTINGS, TREE BUFFER MANAGEMENT, AND  
9 FOREST MANAGEMENT, INCLUDING INVASIVE VINE REMOVAL, ON PUBLIC, PRIVATE,  
10 AND AGRICULTURAL LANDS AND IN "UNDERSERVED AREAS" AS DEFINED IN § 8-1911  
11 OF THIS ARTICLE.

12 (II) THE DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO  
13 ENSURE THAT CONTRACTORS HIRED UNDER SUBPARAGRAPH (I)2 OF THIS  
14 PARAGRAPH REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE  
15 STATE.

16 (4) (I) IN EACH FISCAL YEAR FROM 2024 THROUGH 2031,  
17 INCLUSIVE, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN  
18 APPROPRIATION OF \$2,500,000 TO THE FUND, TO BE USED, SUBJECT TO THE  
19 REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR TREE PLANTINGS  
20 ON PUBLIC AND PRIVATE LAND.

21 (II) THE MONEY APPROPRIATED UNDER THIS PARAGRAPH:

22 1. MAY BE DISTRIBUTED IN ACCORDANCE WITH §  
23 8-2A-04(C)(2) OF THIS SUBTITLE;

24 2. MAY BE USED TO COVER THE COSTS OF:

25 A. SITE PREPARATION, LABOR, AND MATERIALS FOR  
26 TREE-PLANTING PROJECTS;

27 B. MAINTAINING TREES FOLLOWING A TREE-PLANTING  
28 PROJECT; AND

29 C. LANDOWNER INCENTIVE PAYMENTS OR SIGNING  
30 BONUSES OF UP TO \$1,000 PER ACRE OF TREES PLANTED;

31 3. MAY NOT BE USED TO PLANT TREES INTENDED FOR  
32 TIMBER HARVEST; AND

1                   **4. MAY BE USED ONLY FOR TREE PLANTINGS ON**  
2 **PRIVATE LAND IF THE LANDOWNER ENTERS INTO A BINDING LEGAL AGREEMENT TO**  
3 **MAINTAIN THE PLANTED AREA IN TREE COVER FOR AT LEAST 15 YEARS.**

4                   **(III) MONEY APPROPRIATED UNDER THIS PARAGRAPH IS**  
5 **SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT OTHERWISE**  
6 **WOULD BE APPROPRIATED FOR TREE PLANTINGS ON PUBLIC AND PRIVATE LAND.**

7 8-2A-04.

8           (a) The BayStat Program shall direct the administration of the Trust Fund in  
9 accordance with this section.

10           (c) (1) The BayStat Program shall distribute funds from the Trust Fund to the  
11 BayStat Subcabinet agencies in accordance with the final work and expenditure plans.

12                   (2) The BayStat Subcabinet agencies shall administer the funds in  
13 accordance with the final work and expenditure plans, including the distribution of funds:

14                   (i) Through grants to:

15                           1. Counties;

16                           2. Bicounty agencies;

17                           3. Municipalities;

18                           4. Forest conservancy district boards;

19                           5. Soil conservation districts;

20                           6. Academic institutions; and

21                           7. Nonprofit organizations having a demonstrated ability to  
22 implement nonpoint source pollution control projects;

23                   (ii) To the Chesapeake and Atlantic Coastal Bays Nonpoint Source  
24 Fund established under § 9-1605.3 of the Environment Article;

25                   (iii) To the Maryland Agricultural Cost-Share Program established  
26 under Title 8, Subtitle 7 of the Agriculture Article for nonpoint source pollution control  
27 projects; [and]

28                   (iv) **TO THE GREEN SHORES PROGRAM ESTABLISHED UNDER §**  
29 **5-429 OF THIS ARTICLE; AND**

1                                    **(V)** To the Mel Noland Woodland Incentives Fund established under  
 2 § 5-307 of this article.

3 8-1901.

4            **(a)** In this part the following words have the meanings indicated.

5            **(b)** “Board” means the Board of Trustees of the Chesapeake Bay Trust.

6            **(c)** “Trust” means the Chesapeake Bay Trust.

7 8-1911.

8            **(A)** **(1)** IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 9 INDICATED.

10                            **(2)** “PROGRAM” MEANS THE URBAN TREES PROGRAM.

11                            **(3)** “QUALIFIED ORGANIZATION” MEANS:

12                                    **(I)** A NONPROFIT ORGANIZATION;

13                                    **(II)** A SCHOOL;

14                                    **(III)** A COMMUNITY ASSOCIATION;

15                                    **(IV)** A SERVICE, YOUTH, OR CIVIC GROUP;

16                                    **(V)** AN INSTITUTION OF HIGHER EDUCATION;

17                                    **(VI)** A COUNTY OR MUNICIPALITY; OR

18                                    **(VII)** A FOREST CONSERVANCY DISTRICT BOARD.

19                            **(4)** “UNDERSERVED AREA” MEANS AN AREA OF THE STATE FALLING  
 20 WITHIN THE BOUNDARIES OF:

21                                    **(I)** AN URBAN AREA, AS DELINEATED BY THE UNITED STATES  
 22 CENSUS BUREAU; AND

23                                    **(II)** **1.** A NEIGHBORHOOD THAT WAS, AT ANY POINT IN TIME,  
 24 REDLINED OR GRADED AS “HAZARDOUS” BY THE HOME OWNERS’ LOAN  
 25 CORPORATION;

1                    2. A CENSUS TRACT WITH AN AVERAGE RATE OF  
2 UNEMPLOYMENT FOR THE MOST RECENT 24-MONTH PERIOD FOR WHICH DATA ARE  
3 AVAILABLE THAT EXCEEDS THE AVERAGE RATE OF UNEMPLOYMENT FOR THE STATE;

4                    3. A CENSUS TRACT WITH A MEDIAN HOUSEHOLD  
5 INCOME FOR THE MOST RECENT 24-MONTH PERIOD FOR WHICH DATA ARE  
6 AVAILABLE THAT IS EQUAL TO OR LESS THAN 75% OF THE MEDIAN HOUSEHOLD  
7 INCOME FOR THE STATE DURING THAT PERIOD; OR

8                    4. A HOUSING PROJECT AS DEFINED IN § 12-101 OF THE  
9 HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

10            (B) THERE IS AN URBAN TREES PROGRAM ADMINISTERED BY THE TRUST.

11            (C) THE PURPOSE OF THE PROGRAM IS TO PLANT NATIVE SPECIES OF TREES  
12 IN UNDERSERVED AREAS, IN FURTHERANCE OF THE GOALS ESTABLISHED UNDER §  
13 2-1212 OF THE ENVIRONMENT ARTICLE.

14            (D) (1) BEGINNING IN FISCAL YEAR 2023, THE TRUST SHALL MAKE  
15 GRANTS TO QUALIFIED ORGANIZATIONS FOR TREE-PLANTING PROJECTS IN  
16 UNDERSERVED AREAS.

17                    (2) ELIGIBLE PROGRAM EXPENSES INCLUDE PERSONNEL COSTS,  
18 SUPPLIES, SITE PREPARATION, AND OTHER EXPENSES AND MATERIALS RELATED TO  
19 PLANNING, IMPLEMENTING, AND MAINTAINING TREE-PLANTING PROJECTS IN  
20 UNDERSERVED AREAS.

21                    (3) IN AWARDING PROGRAM GRANTS UNDER THIS SECTION, THE  
22 TRUST SHALL PRIORITIZE:

23                            (I) GRANT APPLICATIONS FROM QUALIFIED ORGANIZATIONS  
24 LOCATED IN THE UNDERSERVED AREAS WHERE THE PROPOSED TREE-PLANTING  
25 PROJECTS WILL BE IMPLEMENTED; AND

26                            (II) GRANT APPLICATIONS THAT INCLUDE PLANS FOR  
27 ENGAGING INDIVIDUALS, ORGANIZATIONS, OR BUSINESSES LOCATED IN  
28 UNDERSERVED AREAS TO IMPLEMENT AND MAINTAIN TREE-PLANTING PROJECTS IN  
29 THEIR COMMUNITIES.

30            (E) (1) THE PROGRAM SHALL BE FUNDED WITH:

31                            (I) THE AMOUNT SPECIFIED IN § 9-1605.2(I)(11)(I) OF THE  
32 ENVIRONMENT ARTICLE; AND

1                    (II) ANY ADDITIONAL FUNDS THAT MAY BE ALLOCATED BY THE  
2 TRUST THROUGH ITS ANNUAL BUDGET PROCESS.

3                    (2) THE TRUST SHALL SEEK FEDERAL FUNDS AND GRANTS AND  
4 DONATIONS FROM PRIVATE SOURCES TO BE MADE TO THE TRUST FOR THE PURPOSE  
5 OF THE PROGRAM.

6                    (F) A GRANT AGREEMENT REGARDING FUNDS FROM THE TRUST FOR THE  
7 PROGRAM SHALL:

8                    (1) SPECIFY THE ALLOWED USE OF THE FUNDS PROVIDED UNDER THE  
9 GRANT; AND

10                    (2) INCLUDE PROVISIONS FOR VERIFICATION THAT TREE-PLANTING  
11 PROJECTS ARE BEING IMPLEMENTED AND MAINTAINED AS PLANNED.

12                    (G) ON OR BEFORE OCTOBER 1 EACH YEAR, THE TRUST SHALL REPORT TO  
13 THE DEPARTMENT AND THE DEPARTMENT OF THE ENVIRONMENT ON THE GRANTS  
14 AWARDED BY THE PROGRAM DURING THE IMMEDIATELY PRECEDING FISCAL YEAR,  
15 INCLUDING:

16                    (1) THE NAMES AND DESCRIPTIONS OF GRANT RECIPIENTS;

17                    (2) THE NUMBER AND LOCATION OF TREES PLANTED BY GRANT  
18 RECIPIENTS; AND

19                    (3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OR  
20 THE DEPARTMENT OF THE ENVIRONMENT.

21                    (H) (1) FOR FISCAL YEARS 2024 THROUGH 2031, IN EACH YEAR THE  
22 GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF  
23 \$10,000,000 FOR THE PROGRAM.

24                    (2) MONEY APPROPRIATED UNDER THIS SUBSECTION IS  
25 SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT OTHERWISE  
26 WOULD BE APPROPRIATED FOR THE PROGRAM.

27                    SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
28 as follows:

29                    Article – Environment

30                    9-1605.2.



1           (i)   (1)   In this subsection, “eligible costs” means the additional costs that would  
2 be attributable to upgrading a wastewater facility to enhanced nutrient removal, as  
3 determined by the Department.

4           (2)   Funds in the Bay Restoration Fund shall be used only:

5                   (xii) For costs associated with the implementation of alternate  
6 compliance plans authorized in § 4–202.1(k)(3) of this article; [and]

7                   (xiii) After funding any eligible costs identified under item (iv)1 and 2  
8 of this paragraph, for costs associated with the purchase of cost-effective nitrogen,  
9 phosphorus, or sediment load reductions in support of the State’s efforts to restore the health  
10 of the Chesapeake Bay, not to exceed \$4,000,000 in fiscal year 2018, \$6,000,000 in fiscal year  
11 2019, and \$10,000,000 per year in fiscal years 2020 and 2021; AND

12                   (XIV) AFTER FUNDING ANY ELIGIBLE COSTS IDENTIFIED UNDER  
13 ITEM (IV)1 AND 2 OF THIS PARAGRAPH, FOR THE TRANSFERS REQUIRED UNDER  
14 PARAGRAPH (11) OF THIS SUBSECTION.

15           (11) (I)   IN FISCAL YEAR 2023 THE DEPARTMENT SHALL TRANSFER  
16 FROM THE BAY RESTORATION FUND:

17                   1.   \$10,000,000 TO THE CHESAPEAKE BAY TRUST FOR  
18 THE URBAN TREES PROGRAM ESTABLISHED UNDER § 8–1911 OF THE NATURAL  
19 RESOURCES ARTICLE;

20                   2.   \$2,500,000 TO THE CHESAPEAKE AND ATLANTIC  
21 COASTAL BAYS 2010 TRUST FUND IN THE DEPARTMENT OF NATURAL RESOURCES,  
22 TO BE USED, SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS  
23 PARAGRAPH, FOR TREE PLANTING ON PUBLIC AND PRIVATE LAND; AND

24                   3.   \$2,500,000 TO THE MARYLAND DEPARTMENT OF  
25 AGRICULTURE TO FUND TREE PLANTINGS UNDER THE CONSERVATION RESERVE  
26 ENHANCEMENT PROGRAM IN ACCORDANCE WITH § 8–706 OF THE AGRICULTURE  
27 ARTICLE AND OTHER TREE-PLANTING PROGRAMS ON AGRICULTURAL LAND.

28                   (II) FUNDS TRANSFERRED TO THE CHESAPEAKE AND ATLANTIC  
29 COASTAL BAYS 2010 TRUST FUND UNDER SUBPARAGRAPH (I)2 OF THIS  
30 PARAGRAPH:

31                   1.   MAY BE DISTRIBUTED IN ACCORDANCE WITH §  
32 8–2A–04(C)(2) OF THE NATURAL RESOURCES ARTICLE;

33                   2.   MAY BE USED TO COVER THE COSTS OF:

1 A. SITE PREPARATION, LABOR, AND MATERIALS FOR  
 2 TREE-PLANTING PROJECTS;

3 B. MAINTAINING TREES FOLLOWING A TREE-PLANTING  
 4 PROJECT; AND

5 C. LANDOWNER INCENTIVE PAYMENTS OR SIGNING  
 6 BONUSES OF UP TO \$1,000 PER ACRE OF TREES PLANTED;

7 3. MAY NOT BE USED TO PLANT TREES INTENDED FOR  
 8 TIMBER HARVEST; AND

9 4. MAY BE USED ONLY FOR TREE PLANTINGS ON  
 10 PRIVATE LAND IF THE LANDOWNER ENTERS INTO A BINDING LEGAL AGREEMENT TO  
 11 MAINTAIN THE PLANTED AREA IN TREE COVER FOR AT LEAST 15 YEARS.

12 (III) FUNDS TRANSFERRED FROM THE BAY RESTORATION FUND  
 13 UNDER THIS PARAGRAPH ARE SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF  
 14 FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAMS AND  
 15 INITIATIVES SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

16 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 17 as follows:

18 Article – Environment

19 9-1605.2.

20 (i) (1) In this subsection, “eligible costs” means the additional costs that would  
 21 be attributable to upgrading a wastewater facility to enhanced nutrient removal, as  
 22 determined by the Department.

23 (2) Funds in the Bay Restoration Fund shall be used only:

24 (xi) Subject to the allocation of funds and the conditions under  
 25 subsection (h) of this section, for projects related to the removal of nitrogen from on-site  
 26 sewage disposal systems and cover crop activities; [and]

27 (xii) For costs associated with the implementation of alternate  
 28 compliance plans authorized in § 4-202.1(k)(3) of this article; AND

29 (XIII) AFTER FUNDING ANY ELIGIBLE COSTS IDENTIFIED UNDER  
 30 ITEM (IV)1 AND 2 OF THIS PARAGRAPH, FOR THE TRANSFERS REQUIRED UNDER  
 31 PARAGRAPH (10) OF THIS SUBSECTION.

1           **(10) (I) IN FISCAL YEAR 2023 THE DEPARTMENT SHALL TRANSFER**  
2 **FROM THE BAY RESTORATION FUND:**

3                   **1. \$10,000,000 TO THE CHESAPEAKE BAY TRUST FOR**  
4 **THE URBAN TREES PROGRAM ESTABLISHED UNDER § 8-1911 OF THE NATURAL**  
5 **RESOURCES ARTICLE;**

6                   **2. \$2,500,000 TO THE CHESAPEAKE AND ATLANTIC**  
7 **COASTAL BAYS 2010 TRUST FUND IN THE DEPARTMENT OF NATURAL RESOURCES,**  
8 **TO BE USED, SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS**  
9 **PARAGRAPH, FOR TREE PLANTING ON PUBLIC AND PRIVATE LAND; AND**

10                   **3. \$2,500,000 TO THE MARYLAND DEPARTMENT OF**  
11 **AGRICULTURE TO FUND TREE PLANTINGS UNDER THE CONSERVATION RESERVE**  
12 **ENHANCEMENT PROGRAM IN ACCORDANCE WITH § 8-706 OF THE AGRICULTURE**  
13 **ARTICLE AND OTHER TREE-PLANTING PROGRAMS ON AGRICULTURAL LAND.**

14                   **(II) FUNDS TRANSFERRED TO THE CHESAPEAKE AND ATLANTIC**  
15 **COASTAL BAYS 2010 TRUST FUND UNDER SUBPARAGRAPH (I)2 OF THIS**  
16 **PARAGRAPH:**

17                   **1. MAY BE DISTRIBUTED IN ACCORDANCE WITH §**  
18 **8-2A-04(C)(2) OF THE NATURAL RESOURCES ARTICLE;**

19                   **2. MAY BE USED TO COVER THE COSTS OF:**

20                   **A. SITE PREPARATION, LABOR, AND MATERIALS FOR**  
21 **TREE-PLANTING PROJECTS;**

22                   **B. MAINTAINING TREES FOLLOWING A PLANTING**  
23 **PROJECT; AND**

24                   **C. LANDOWNER INCENTIVE PAYMENTS OR SIGNING**  
25 **BONUSES OF UP TO \$1,000 PER ACRE OF TREES PLANTED;**

26                   **3. MAY NOT BE USED TO PLANT TREES INTENDED FOR**  
27 **TIMBER HARVEST; AND**

28                   **4. MAY BE USED ONLY FOR TREE PLANTINGS ON**  
29 **PRIVATE LAND IF THE LANDOWNER ENTERS INTO A BINDING LEGAL AGREEMENT TO**  
30 **MAINTAIN THE PLANTED AREA IN TREE COVER FOR AT LEAST 15 YEARS.**

31                   **(III) FUNDS TRANSFERRED FROM THE BAY RESTORATION FUND**  
32 **UNDER THIS PARAGRAPH ARE SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF**

1 FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAMS AND  
2 INITIATIVES SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

3 SECTION 6. AND BE IT FURTHER ENACTED, That:

4 (a) There is a Commission for the Innovation and Advancement of Carbon Markets  
5 and Sustainable Tree Plantings.

6 (b) The Commission consists of the following members:

7 (1) the Secretary of the Environment, or the Secretary's designee;

8 (2) the Secretary of Natural Resources, or the Secretary's designee;

9 (3) the Secretary of Agriculture, or the Secretary's designee;

10 (4) the State Treasurer, or the State Treasurer's designee;

11 (5) one representative of the Maryland Association of Counties, selected by  
12 the Maryland Association of Counties;

13 (6) one representative of the Maryland Municipal League, selected by the  
14 Maryland Municipal League;

15 (7) one representative of the Commission on Environmental Justice and  
16 Sustainable Communities, appointed by the Commission on Environmental Justice and  
17 Sustainable Communities;

18 (8) one representative of the Chesapeake Bay Foundation, appointed by the  
19 Chesapeake Bay Foundation;

20 (9) one representative of the Maryland League of Conservation Voters,  
21 appointed by the Maryland League of Conservation Voters;

22 (10) one representative of Blue Water Baltimore, appointed by Blue Water  
23 Baltimore;

24 (11) one representative of the Maryland Chapter of the Nature Conservancy,  
25 selected by the Maryland Chapter of the Nature Conservancy;

26 (12) one representative of the Maryland Farm Bureau, selected by the  
27 Maryland Farm Bureau;

28 (13) one researcher from the University of Maryland, College Park, who has  
29 expertise in forestry-based carbon sequestration, selected by the President of the University  
30 of Maryland, College Park;

1           (14) one representative of Patapsco Heritage Greenway, selected by Patapsco  
2 Heritage Greenway; and

3           (15) the President of the Maryland Forestry Foundation, or the President's  
4 designee.

5           (c) The Secretary of the Environment, or the Secretary's designee, shall chair the  
6 Commission.

7           (d) The Department of the Environment and, as necessary, the Department of  
8 Natural Resources shall provide staff for the Commission.

9           (e) A member of the Commission:

10           (1) may not receive compensation as a member of the Commission; but

11           (2) is entitled to reimbursement for expenses under the Standard State  
12 Travel Regulations, as provided in the State budget.

13           (f) (1) The Commission shall develop:

14           (i) a plan to achieve the State's carbon mitigation goal of planting  
15 5,000,000 native trees by 2030 in accordance with § 2-1212 of the Environment Article, as  
16 enacted by Section 4 of this Act;

17           (ii) a plan to ensure that trees planted under this Act are properly  
18 maintained;

19           (iii) recommendations regarding the establishment of a  
20 Maryland-based carbon offset market to support the State's tree-planting goals; and

21           (iv) recommendations on reviewing State policies to reduce and fully  
22 mitigate the clearing of trees during the construction of State highways and other  
23 transportation projects.

24           (2) The plans and recommendations shall include:

25           (i) science-based guidelines to inform a State strategy for using trees  
26 to maximize carbon sequestration, mitigate heat deserts, and improve water and air quality;

27           (ii) recommendations regarding potential planting sites, including  
28 the impact that planting trees at these sites will have on agricultural and other private land  
29 and associated ecological services;

30           (iii) a strategy for ensuring that at least 500,000 trees are planted in  
31 underserved areas, in accordance with § 2-1212 of the Environment Article, as enacted by  
32 Section 4 of this Act;

- 1                    (iv) a list of native tree species that will be planted;
- 2                    (v) a review of existing programs and current resource capacity for  
3 tree plantings;
- 4                    (vi) a plan for expanding or creating new capacities necessary to  
5 achieve the State's tree-planting goals;
- 6                    (vii) an analysis of trees scheduled to be cut down and the impact that  
7 will have on carbon sequestration;
- 8                    (viii) an overview and analysis of logistical and policy barriers to  
9 achieving the State's tree-planting goals;
- 10                   (ix) a plan for seeking private capital to support tree plantings and  
11 forest conservation in the State;
- 12                   (x) a plan for establishing a State-based carbon offset market to  
13 support the State's tree-planting goals;
- 14                   (xi) recommendations for policy changes necessary to facilitate the use  
15 of the Water Quality Revolving Loan Fund and Environmental Impact Bonds for tree  
16 plantings; and
- 17                   (xii) a plan for reviewing future transportation procurement to  
18 minimize and fully mitigate tree clearing.
- 19                   (g) On or before October 31, 2022, the Commission shall report its plan and  
20 recommendations to the Governor and, in accordance with § 2-1257 of the State Government  
21 Article, the General Assembly.

22                   SECTION ~~8~~ 7. AND BE IT FURTHER ENACTED, That:

- 23                   (a) (1) The Harry R. Hughes Center for Agro-Ecology, in consultation with the  
24 Department of Natural Resources, the Department of the Environment, the Department of  
25 Planning, the Department of Agriculture, and the Chesapeake Bay Program, as  
26 appropriate, shall conduct a technical study to review changes in forest cover and tree  
27 canopy in the State.
- 28                   (2) The technical study required under paragraph (1) of this subsection  
29 shall, to the extent practicable, include:
- 30                   (i) a survey and mapping of:
- 31                   1. existing forest cover and tree canopy in the State; and

1                                   2.     potential afforestation and reforestation locations in the  
2 State;

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

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

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

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

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

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

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

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

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

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

28                                   1.     capacity and location of active banks;

29                                   2.     regulation of siting and creation of new banks;

30                                   3.     geographic limitations on the use of mitigation banks;

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

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

3 6. the extent to which existing forest mitigation banks are  
 4 composed of forests that have been created or restored versus forests that are under qualified  
 5 conservation; and

6 7. the effect of using qualified conservation completed in a  
 7 forest mitigation bank to meet afforestation or reforestation requirements under State or  
 8 local programs on the State's policy of achieving no net loss of forest; and

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

11 1. Marylanders Plant Trees;

12 2. Lawn to Woodland;

13 3. Backyard Buffers;

14 4. Conservation Reserve Enhance Program; and

15 5. other programs used to further TMDL Watershed  
 16 Implementation Plans and MS4 permit compliance.

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

21 SECTION ~~4~~ 8. AND BE IT FURTHER ENACTED, That:

22 (a) Subject to subsection (b) of this section, Section 1 of this Act shall be construed  
 23 to apply retroactively and shall be applied to and interpreted to affect any qualified  
 24 conservation completed, and any resulting afforestation or reforestation credits given, to  
 25 the extent they were approved in good faith under a State or local program as a forest  
 26 mitigation bank before the effective date of this Act.

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

30 SECTION ~~5~~ 9. AND BE IT FURTHER ENACTED, That it is the intent of the  
 31 General Assembly to review the findings in the technical study on changes in forest cover  
 32 and tree canopy in Maryland required under Section ~~3~~ 7 of this Act and, based on the  
 33 findings, to consider any legislative or other changes necessary to improve the



1 implementation and effectiveness of the Forest Conservation Act, including any changes to  
 2 the forest mitigation banking program in the State.

3 SECTION 10. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall  
 4 take effect on the taking effect of the termination provision specified in Section 5 of Chapters  
 5 366 and 367 of the Acts of the General Assembly of 2017. If that termination provision takes  
 6 effect, Section 4 of this Act, with no further action required by the General Assembly, shall  
 7 be abrogated and of no further force and effect. This Act may not be interpreted to have any  
 8 effect on that termination provision.

9 SECTION ~~9~~ ~~6~~ 11. AND BE IT FURTHER ENACTED, That , except as provided in  
 10 Section 10 of this Act, this Act shall take effect ~~October~~ June 1, 2021. ~~Section 3~~ Sections 1,  
 11 2, and 7 of this Act shall remain effective for a period of 3 years and 1 month and, at the  
 12 end of ~~May 31~~ June 30, 2024, ~~Section 3~~ Sections 1, 2, and 7 of this Act, with no further  
 13 action required by the General Assembly, shall be abrogated and of no further force and  
 14 effect. Subject to Section 10 of this Act, Sections 3, 4, and 5 of this Act shall remain effective  
 15 for a period of 10 years and 1 month and, at the end of June 30, 2031, Sections 3, 4, and 5  
 16 of this Act, with no further action required by the General Assembly, shall be abrogated and  
 17 of no further force and effect. Section 6 of this Act shall remain effective for a period of 2  
 18 years and 1 month and, at the end of June 30, 2023, Section 6 of this Act, with no further  
 19 action required by the General Assembly, shall be abrogated and of no further force and  
 20 effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.