



Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor  
Jeannie Haddaway-Riccio, Secretary

March 31 , 2021

The Honorable Paul G. Pinsky  
Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

The Honorable Cheryl C. Kagan  
Vice Chair, Education, Health and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis, MD 21401

***Re: Letter of Support – House Bill 991 – Natural Resources – Forest Mitigation Banks – Qualified Preservation***

Dear Chair, Vice Chair, and Committee Members,

The Maryland Department of Natural Resources supports House Bill 991. This bill would establish the explicit ability to create and use or credit existing forest as mitigation banking to meet Forest Conservation Act mitigation requirements as has been practice for the past few decades. HB 991 also includes uncodified language that reenacts the technical study to review changes in forest cover and tree canopy in the state and include data, to the extent practical, on seven deliverables. The report, which still remains underway since its enactment in 2019, is now due on or before December 1, 2023.

Last fall, the Office of the Attorney General released an opinion that determined that only creation or planted banks meet the statute's forest mitigation banking criteria. This bill is written to address the issue raised in the opinion by putting language into statute that would explicitly enable the existing local governments' forest retention banking programs to continue. This is a highly successful forestry program that has conserved 5,365 acres in participating counties statewide and will continue to conserve large blocks of existing forest, a priority area for retention.

The department has worked closely with the bill sponsor, other proponents and environmental groups to develop the amendments you see them today. A particular priority with HB 991 is to ensure that individuals who have already begun the process for local approval as retention banks are not negatively impacted. We would also respectfully ask the committee to resist any amendments that would alter how the forest retention banking program has been operating since the late 1990s. Such proposals should be considered in separate legislation following the study. The department is also in agreement with the amendment that added the technical study as uncodified language.

For the above reasons, the department respectfully requests the committee grant HB 991 a favorable report.

Respectfully submitted,

James W. McKitrick  
Director, Legislative and Constituent Services

Contact: James McKitrick, Director, Legislative and Constituent Services  
JamesW.McKitrick@maryland.gov ♦ 443-510-5013