



Mattawoman Watershed Society

Protecting and preserving Mattawoman Creek for the enjoyment of all.

TO: Education, Health, and Environmental Affairs Committee

FROM: The Mattawoman Watershed Society

RE: HB 991 Natural Resources – Forest Mitigation Banks – Qualified Preservation

POSITION: OPPOSE

The Mattawoman Watershed Society respectfully OPPOSES HB 991 and requests an unfavorable report from the Education, Health, and Environmental Affairs Committee.

If enacted, HB 991 will codify practices that result in greater forest loss during development without providing an effective preservation benefit, effectively erasing conservation in Maryland. This bill is misguided and premature, since the forest mitigation study directed by the General Assembly via SB 729 of 2019 is not complete. The Committee therefore should hold any further action until work is complete.

Maryland loses about 3,000 acres of forest every year. Forest clearing leads to poor water quality, fragmentation and loss of wildlife habitat, reduced carbon sequestration, dirty air, increased temperatures, localized flooding, and lower property values. Development is the single largest driver of forest loss in the state.

In Charles County's Comprehensive Plan, entitled *Quality Places, Natural Spaces*, the county found that the current rate and extent of forest lost to development is unacceptable. Charles County's population grew by almost 40% over the past twenty years, a *rate which leads the state*. From 1997 to 2009, 13,245 acres of forest fell – *seven percent of the County's total forest acreage*. This is a staggering number over just 12 years. Since that time, local annual forest conservation reports and high-resolution data from the Chesapeake Bay Program both show that Charles County ranks third in the state for forest loss. These losses have come with a substantial cost to clean water and quality of life. Looking forward, the Maryland State Data Center forecasts that more than 50,000 residents could move into the County by 2040.

In "The Case for Protection of the Watershed Resource of Mattawoman Creek," from DNR, impervious surface threatens to destroy the world class sport fishery and sensitive fish spawning habitat, with 28 species of plants and animals considered rare, threatened or endangered. About 55% of the 63,000 acres of the Mattawoman watershed provides habitat for Maryland's native natural communities which are present because of the forest. The benefits people gain from the Mattawoman ecosystem include regulating services, such as water purification and stormwater management, supporting services, such as soil and nutrient maintenance, and cultural services like recreation and spiritual benefits. The natural features of this area draw both residents and visitors with the county parks servicing 940,000 people per year. Forests and wetland areas are the most valuable land-form in terms of returning services to the community in the face of Climate Change. The Mattawoman Creek alone returns \$79,500,000 to taxpayers.

Maryland's Forest Conservation Act was passed in 1991 to reduce forest loss from development. The FCA requires replanting of trees to offset a bare minimum of losses on development sites. This planting requirement leads to a smaller net loss of forest than if the law did not exist. If adopted, HB 991 would authorize forest mitigation banks to offer credit for placing a preservation easement on trees that already exist, rather than planting new trees. How is this a valid way to govern forests? The results is that development projects would be allowed to remove ALL of the forest on a site with NO requirement to replant at all. And it would do so at an unspecified ratio, which could be half or less that required by the very limited authorization in existing law,

which we know is inadequate. As a state with most of its population on the Coastal Plain, sea-level rise and more intense storms, should be a top priority, which would lead to greater conservation of forests, not less.

This Committee has identified additional key questions that need answers before expanding any authorization for forest mitigation banking within the FCA. In 2019, SB 729 was passed by the General Assembly to direct a technical study scoped with extensive stakeholder feedback. That analysis, which is not yet complete, is to report on:

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

- 1. capacity and location of active banks;*
- 2. regulation of citing 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.*

This information is critical to identifying the appropriate role of mitigation banks in maintaining forest cover across the state. Many of the stakeholders engaged on HB 991 are actively participating in this study, and we look forward to its completion. The current FCA regulatory landscape - especially after several counties have strengthened their forest conservation laws - is varied and would not be well served by HB 991's piecemeal approach to mitigation.

In summary, HB 991 would codify a major mitigation policy without information this Committee identified as critical to updating mitigation standards within the FCA. It would do so at half the rate or less that some local jurisdictions operating on a flawed interpretation of existing law are doing now. And it would make these changes without setting any parameters or priorities for the development risk, location, or ecological value of existing forest offered for credit.

The Mattawoman Watershed Society respectfully requests an UNFAVORABLE report from this Committee on HB 991.

Respectfully,

Laurie Snow, President

P.O. Box 201 Bryans Road, MD 20616
www.mattawomanwatershed.org mattawoman411@gmail.com
240-523-3339

