



Corsica River Conservancy
P.O. Box 235
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March 29, 2021

Senate Education, Health, and Environmental Affairs Committee

FROM: Katherine Schinasi, Vice President, Corsica River Conservancy

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

POSITION: **OPPOSE**

Corsica River Conservancy 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. Decisions on the best and most equitable approach to protecting Maryland's forests should be made by the Committee after the forest mitigation study directed by the General Assembly via SB 729 of 2019 is complete.

Forests are particularly important in the Corsica River watershed. The 15-year coordinated State, County, local, and volunteer efforts to remove the Corsica from EPA's impaired waters list have shown progress. Continued restoration depends heavily on healthy habitat and buffered streams, both of which are at risk from tree loss. 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 and development pressures are increasing in our county. We have already seen significant deleterious water quality effects from tree loss in large developments.

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. This would allow development projects to remove up to 100% of the forest on a site with no replanting required 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.

Preservation of existing forest can be a valued part of forest conservation during development, but only with appropriate tools and guidelines in place to identify the most valuable and at-risk tracts. This Committee has identified a number of 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, contains many issues related to forest mitigation banking; information that 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 already have or are moving toward strengthened 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 the General Assembly 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.

Corsica River Conservancy respectfully requests an UNFAVORABLE report from this Committee on HB 991.

<http://corsicariverconservancy.org>