

## OPPOSE HB0991

### Title

Natural Resources – Forest Mitigation Banks – Qualified Preservation

### Sponsored by

Delegate [Gilchrist](#)

### Status

In the Senate Ed, Health & Env Affairs - Hearing 3/31 at 1:00 p.m.

### Synopsis

Establishing the use of qualified preservation in a forest mitigation bank of all or a part of certain existing forests as a standard for meeting afforestation or reforestation requirements under the Forest Conservation Act; defining the term "qualified preservation" as it applies to the Forest Conservation Act; altering the defined term "forest mitigation banking" as it applies to the Forest Conservation Act to include the qualified preservation of forests for certain purposes; etc.

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Senators,

I **strongly oppose HB0991**. Here are my reasons:

- 1) We are **rapidly losing valuable mature tree canopy in urbanizing and gentrifying areas**, especially in Montgomery County where I live. Mature tree canopy is essential to fight climate change, avoid creation of heat islands in urbanizing areas, manage stormwater, provide mental health and crime reduction benefits, and support local food production.
- 2) Montgomery County is one of the counties that **erroneously/illegally (according to the AG decision of November 2020) allowed developers and property owners** to avoid local preservation or replacement of trees destroyed by purchasing existing forest upcounty.
- 3) Populations in areas where valuable tree canopy was lost **do not benefit** from upcounty existing forest preservation on private land.
- 4) HB0991 was **written by the building industry** (Maryland Building Industry Association) without collaboration or coordination with the environmental community.
- 5) HB0991 allows local jurisdictions to **take the lazy way out of resolving their perceived conflict** between development and essential natural services like trees, without even trying to adjust or amend local codes and requirements in order to accommodate mature trees so fewer would be removed. In fact, local jurisdictions seem to be looking for ways to exempt certain actions from FCA requirements at all (see recent efforts by Montgomery County to exempt local highway construction from FCA compliance).

- 6) HB0991 **counters and negates the determination of the State Attorney General** that the intent of the Forest Conservation Act is to maintain forest canopy in our communities across the state.

Elected officials, regulators, the building industry, environmentalists, and property owners **should be working together to figure out how to strengthen both the state FCA and local legislation** with the goals of preserving mature tree canopy, replanting trees in the same community and subwatershed where they were lost, and co-existing trees with stormwater management to improve conditions of both. All tree removal actions and remedies by private and public actors should be **accounted for and transparently accessible to citizens** through an easy to access database and printed records upon request. Our trees are a valuable community resource and we need to work together to preserve and increase our native tree canopy.

Thank you for considering my testimony.

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