



March 31, 2020

HB0991 Natural Resources – Forest Mitigation Banks – Qualified Preservation

Position: Oppose

The Maryland Ornithological Society (MOS) opposes HB0991 and asks for an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

HB0991 would result in greater forest loss during development without providing an effective preservation benefit. We find this bill to be premature until such time as the forest mitigation study directed by the General Assembly via SB0729 of 2019 is completed. We ask the Committee to hold the bill until the study is finished.

Maryland is losing approximately 3,000 acres of forest every year. Clearing forest degrades water quality in local streams, rivers and the Chesapeake Bay, fragments wildlife habitat, reduces carbon sequestration, increases temperatures, and can exacerbate local flooding. Development is the single largest driver of forest loss in the state.

HB0991 would authorize forest mitigation banks to offer credit for placing a preservation easement on trees that already exist, rather than planting new trees. A new development site could remove an existing forest, and would not be required to replant. This will exacerbate forest loss.

Preservation of existing forest is important, but requires attention to identify valuable and at-risk tracts. The study instituted by SB0729 of 2019 is to provide just such information, inventorying mitigation banks, establishing regulations for them, and ascertaining the relationship between fee-in-lieu rates under the Forest Conservation Act and the market for forest mitigation banks. Furthermore, several Maryland counties have strengthened their forest conservation laws. The information collected by the S0729 study is vital for defining mitigation banks. To allow them to be used before they are defined makes no sense. And forest preservation should not come at the expense of allowing developers to not replant.

Forests provide valuable habitat for the birds that we seek and study. At the same time, our bird populations continue to decline. A recent study showed that North America lost 3 billion birds, 29% of its total bird population, since the 1970s.¹ Forest loss will impact Forest Interior Dwelling Species (FIDS) such as Ovenbird, Scarlet Tanager, Wood Thrush, and Kentucky Warbler. We seek out these species every spring, through the summer, and into fall migration. While Marylanders generated

¹ Rosenberg, et al, Decline of the North American Avifauna, Science, vol 366, issue 6461, pp. 120-124, 4 October 2019, <https://science.sciencemag.org/content/366/6461/120>

\$483 million from wildlife-watching activities in 2011, the Total Industrial Output (TIO), which includes, direct, indirect, and induced effects, totaled over \$909 million, produced 10,807 full- and part-time jobs, and generated \$88.4 million in state and local tax revenue. Nationally, Americans who watch and feed birds contribute \$41 billion to the nation's economy every year.²

In conclusion, we oppose HB0991, as premature and it will also promote forest loss, impacting the Bay, birds, and climate.

MOS respectfully requests an UNFAVORABLE report from this Committee on HB0991.

MOS is a Maryland-based volunteer organization of some 1200 members, with 15 chapters in Maryland. We are devoted to the study and preservation of birds and their habitat.

Sincerely,

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² US Fish and Wildlife Service, Economic Impact: Birds, Birdwatching and the U.S. Economy, November 16, 2017, <https://www.fws.gov/birds/bird-enthusiasts/bird-watching/valuing-birds.php>