



Maryland Conservation Council

Protecting Maryland's Natural Heritage Since 1969

2304 South Road
Baltimore, MD 21209-4430
www.mdconservationcouncil.org

Re: House Bill 991
Natural Resources – Forest Mitigation Banks – Qualified Preservation

29 March 2021

Dear Chairman Pinsky and Committee Members:

The Maryland Conservation Council respectfully OPPOSES HB 991 and requests an unfavorable report from the Education, Health, and Environmental Affairs Committee.

As one of the oldest environmental organization in Maryland (established in 1969), we are dedicated to preserving our natural environment. This legislation would allow counties to use preservation of existing trees in a forest mitigation bank to replace replanting requirements for trees removed under the Forest Conservation Act (FCA). This would codify practices that result in greater forest loss during development, negatively impacting the amount of trees, which are important for pollution reduction, preventing soil erosion and lowering CO₂ emissions.

For instance:

This legislation will lead to additional net loss of trees statewide. It would allow development projects to remove up to 100% of the forest on a site with no replanting. There are no standards ensuring that the forest offered for preservation has high ecological value or is at risk of being lost to development.

This legislation would reverse the recent opinion of the Attorney General that clarified the parameters for how counties use forest mitigation banks. The Attorney General's opinion clarified that developers may not leverage existing forest as an offset for cutting down trees. As envisioned by the General Assembly and as captured in State code Article – Natural Resources 18 5–1601, the opinion describes, forest mitigation banks are only intended to be areas intentionally newly planted with trees.

This legislation pre-empts the anticipated Forest Conservation report underway by the Hughes Center. The Hughes Center Report was [requested by the General Assembly](#) to clarify data needed for educated decision-making in forest conservation. The report is specifically charged with investigating appropriate uses of forest mitigation banks.

We strongly urge you to move unfavorable HB991 - Natural Resources - Forest Mitigation Banks - Qualified Preservation, which is coming over from the House and had no cross-file.

Cordially,
Paulette Hammond
President, Maryland Conservation Council

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