



March 31st, 2021

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

Position:

Favorable only with amendments

**Maryland League of
Conservation Voters**

Lynn Heller, Board Chair
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Candace Dodson-Reed
Verna Harrison
Melanie Hartwig-Davis
Ed Hatcher
Hon. Steve Lafferty
Bonnie Norman
Katharine Thomas

Kim Coble
Executive Director

30 West Street
Suite C
Annapolis, MD 21401

410.280.9855
mdlcv.org
marylandconservation.org

Dear Chairman Pinsky and members of the Committee,

Maryland League of Conservation Voters strongly urges amendments to HB 991 Natural Resources – Forest Mitigation Banks – Qualified Preservation. Without these amendments we recommend an unfavorable report.

Importance of Forests

Every acre of forest saved sequesters enough carbon dioxide to equal the annual emissions of over 50 cars.¹ Forests also intercept harmful air particulates and absorb noxious gasses such as sulfur dioxide^{2,3} and reduce carbon dioxide. They are critical to ensuring we have clean drinking water. A survey of 27 water suppliers found that for every 10% increase in forest cover upstream of water intakes, treatment and chemical costs decreased by approximately 20%.⁴ Additionally, forests improve human health and reduce stress.⁵ Studies show that populations living near forested areas exhibit lower asthma, diabetes, and high blood pressure rates.⁶

We pay for forest loss in ecological and economic costs. In the past 45 years, the loss of forests in the Baltimore-Washington region caused a 19 percent increase in polluted runoff costing us over \$1 billion, according to the Maryland Department of Natural Resources. Chesapeake Bay taxpayers spend billions on projects to filter polluted runoff which forests do for free. As more landscape turns into shopping centers, subdivisions, and parking lots, we are forced to construct expensive man-made projects that filter polluted water running off the asphalt.

¹ Vermont Department of Forests, Parks and Recreation. November, 2016. Forest Carbon. https://fpr.vermont.gov/sites/fpr/files/Forest_and_Forestry/Forest%20Carbon-Nov2016.pdf

² D.J. Nowak et al. Tree and forest effects on air quality and human health in the United States Environmental Pollution 193 (2014) 119e129 127 <https://doi.org/10.1016/j.envpol.2014.05.028>

³ Nowak, David J.; Hirabayashi, Satoshi; Bodine, Allison; Hoehn, Robert. 2013. Modeled PM2.5 removal by trees in ten US cities and associated health effects. Environmental Pollution. 178: 395-402. <https://doi.org/10.1016/j.envpol.2013.03.050>. <https://www.nrs.fs.fed.us/pubs/43676>

⁴ Center for Watershed Protection. August 6, 2015. Forests and Drinking Water. <https://www.cwp.org/forests-and-drinking-water/>

⁵ Parsons, R.; Tassinary, L.G.; Ulrich, R.S.; Hebl, M.R.; Grossman-Alexander, M. 1998. The View From the Road: Implications for Stress Recovery and Immunization. Journal of Environmental Psychology 18(2).

⁶ Donovan, G. H. (2017). Including public-health benefits of trees in urban-forestry decision making. Urban Forestry & Urban Greening, 22, 120-12

Maryland's Forest Conservation Act

Currently, Maryland's Forest Conservation Act (FCA) has significant fundamental problems and loopholes that allow nearly a dozen acres of forests in the state to be lost every day. The amount of mitigation required by the FCA already results in forest loss. In many planning zones around the state, two-thirds of a fully forested parcel can be cleared before onsite or offsite mitigation is required. In the rare case where mitigation is required, often only one acre of mitigation is required for every four acres taken down.

There needs to be a comprehensive fix of the FCA. In 2019, this committee helped pass SB729 which recognized the shortcomings of the FCA and directed a technical study to review forest banking in Maryland and the role such banks play in maintaining forest cover across the state. This study which the Committee identified as a critical prerequisite to amending the FCA has not yet been completed.

HB 991

Unfortunately, HB 991 does not provide the comprehensive fix needed or even take steps forward to protect Maryland's forests. Instead, this bill would:

- obscure the original intent of the FCA and lead to faster loss of forests.
- not require counties to reforest until they cut down every bit of forest not under permanent protection, getting further and further away from a no-net-loss goal.
- not prioritize forests to be preserved based on development risk, location, or ecological value. Forest preservation can be an important component of forest conservation, but only with the appropriate policies to ensure the most valuable and at-risk tracks are targeted for preservation. Additionally, HB991 does not give priority to riparian buffers or other forests that provide benefits in water quality, flood control, climate change, etc.
- reverse the Attorney General's recent opinion which clarified the parameters for how counties use forest mitigation banks. The AG's opinion was based on the fact that as part of the state's forest mitigation program, far less planting of forests was happening than previously thought.

Necessary Amendments

Maryland LCV's position of support is conditional on two amendments:

1) Require the completion of the Hughes Center Study by December 1, 2021.

2) Sunset the entire legislation July 1, 2022. This will allow the General Assembly to revisit this topic with the results of the Study in the 2022 Session.

We understand that there are forest banks and counties concerned about the investments they have already made in conservation forest banks. These amendments will ensure that those currently with conservation forest banks will be able to move forward. These amendments will also ensure that we can have current and accurate data to better inform forest conservation policy decisions.

Summary

HB 991 would codify a major mitigation policy without current and accurate information this Committee identified as critical. The bill would make these policy changes without setting any parameters or priorities for the development risk, location, or ecological value of existing forests and would result in more forest loss.

Maryland LCV offers two amendments that will address the immediate concerns caused by the AG opinion and ensure that the original intent of the Forest Conservation Act is maintained until current and accurate data is available.

If you have any questions, please contact Ben Alexandro, Water Program Director, at balexandro@mdlcv.org.

Unless these two amendments are made, we strongly urge an UNFAVORABLE report from this Committee on HB 991.