



MARYLAND LEAGUE
OF CONSERVATION VOTERS

February 24, 2021

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

Dear Chairman Barve and members of the Committee,

**Maryland League of
Conservation Voters**

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Maryland League of Conservation Voters strongly opposes HB 991 Natural Resources – Forest Mitigation Banks – Qualified Preservation. The Forest Conservation Act (FCA) has significant fundamental problems and loopholes that allow nearly a dozen acres of forests to be lost every day in the state. There needs to be a comprehensive fix of the FCA. Unfortunately, this bill does not provide a comprehensive fix, nor does it create a “status quo” of forest conservation as some proponents had intended. Instead, this bill would obscure the original intent of the FCA, protect fewer forests, and lead to faster loss of forests. Additionally, this legislation would reverse the recent opinion of the Attorney General (AG) that clarified the parameters for how counties use forest mitigation banks. In effect, this bill would save half (or fewer) of the forests than were being preserved last year.

The amount of mitigation required by the FCA already results in forest loss. In many planning zones, 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, only one acre of mitigation is needed for every four acres taken down. The current mitigation requirements in Maryland result in forest loss, and HB 991 would result in more loss.

What is needed is a comprehensive overhaul and improvement of the Forest Conservation Act. We can learn a lot from places like Frederick County that unanimously passed bipartisan legislation last summer to create no net loss of forests in the county.

The biggest failure of HB 991 is that the same ratio or even less that would be applied to preserving a forest is applied to reforestation/afforestation. This approach is inconsistent with the AG opinion and in fact, allows a ratio of 1:1 which provides even less protection than the ratios counties were using prior to the AG opinion. For example, Frederick County was at 2.5:1 ratio and Charles was around 4:1 ratio outside the watershed.

HB991 could lead to some counties never replanting forests. Given that it is usually cheaper to preserve unthreatened land than it is to reforest land, under the state minimum most developers would simply preserve forest.

Counties would not need 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. When counties like Frederick County were preserving multiple acres for each one they had to replant, it allowed for reforestation banks to compete. Afforestation / reforestation banks could be pushed out of business under HB991.

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. There is no prioritization of preservation under HB991. Additionally, HB991 does not give priority to riparian buffers or other forests that provide t benefits in water quality, flood control, climate change, etc. HB991 gives no priority based on development risk, location, or ecological value.

HB991 is premature. In 2019, this committee helped pass SB729 which directed a technical study to review forest banking in Maryland and the role such banks play in maintaining forest cover across the state. Results from this study which the Committee identified as a critical prerequisite to amending the FCA has not been completed yet.

Maryland needs as many forests as possible. Forests clean our air as they intercept harmful air particulates and absorb noxious gasses such as sulfur dioxide. Forests reduce carbon dioxide. Every acre of forest saved sequesters enough carbon dioxide to equal the annual emissions of over 50 cars. Forests create 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%. Forests improve human health. Views of nature reduce stress. Studies show that populations living near forested areas exhibit lower asthma, diabetes, and high blood pressure rates. 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. Meanwhile, 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. Many local governments are financially burdened by this work.

In summary, HB 991 would codify a major mitigation policy without information this Committee identified as critical to updating mitigation standards within the FCA. 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. Most importantly it would cut the amount of forests needed to be preserved in half or more. We would lose more forests under HB991. If you have any questions, please contact Ben Alexandro, water program director, at balexandro@mdlcv.org.

We strongly urge an UNFAVORABLE report from this Committee on HB 991