



Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor  
Jeannie Haddaway-Riccio, Secretary

February 24, 2021

The Honorable Kumar Barve  
Chair, Environment and Transportation Committee  
Room 251, House Office Building  
Annapolis, MD 21401

The Honorable Dana Stein  
Vice Chair, Environment and Transportation Committee  
Room 251, House Office Building  
Annapolis, MD 21401

***Re: Support with Amendments – House Bill 991 – Natural Resources – Forest Mitigation Banks – Qualified Preservation***

Dear Chair, Vice Chair, and Committee Members,

The Maryland Department of Natural Resources respectfully supports with amendments House Bill 991. This bill would establish the explicit ability to create and use or credit existing forest as mitigation banking to meet Forest Conservation Act mitigation requirements as has been practice for the past few decades.

Last fall, the Office of the Attorney General released an opinion which determined that only creation or planted banks meet the statute's forest mitigation banking criteria. This bill is written to address the issue raised in the opinion by putting language into statute that would explicitly enable the existing local governments' forest retention banking programs to continue. This is a highly successful program that has conserved 5,365 acres in participating counties statewide and will continue to conserve large blocks of existing forest, a priority area for retention.

The department has been working closely with the bill sponsor and other proponents to develop amendments to best reflect the status quo of the program. A particular priority with HB 991 is to ensure that individuals who have already begun the process for local approval as retention banks are not negatively impacted. We would also respectfully ask the committee to resist any amendments that would alter how the forest retention banking program has been operating since the late 1990s. Such proposals should be considered in separate legislation.

For the above reasons, the department respectfully requests the committee grant HB 991 a favorable report provided it is thoughtfully amended.

Respectfully submitted,

James W. McKittrick

Contact: James McKittrick, Director, Legislative and Constituent Services  
JamesW.McKittrick@maryland.gov ♦ 443-510-5013

Director, Legislative and Constituent Services

Contact: James McKitrick, Director, Legislative and Constituent Services  
JamesW.McKitrick@maryland.gov ♦ 443-510-5013