



February 23, 2021

The Honorable Kumar P. Barve, Chair  
House Environment and Transportation Committee  
House Office Building, Room 251  
6 Bladen St., Annapolis, MD 21401

**Support w/ Amendment: HB 991 – Natural Resources – Forest Retention Banks – Qualified Preservation**

Dear, Chair Barve and Committee Members:

The NAIOP Maryland Chapters represent more than 700 companies involved in all aspects of commercial, industrial, and mixed-use real estate. On behalf of our member companies, I am writing to support HB 991 with amendments.

House Bill 991 maintains the *status quo* options under the Forest Conservation Act by clarifying that forest banks that retain existing forest may be used as mitigation. The details of the bill are explained well in the Maryland National Capital Park and Planning Commission [slide deck linked here](#). Several key policy benefits both for the regulated development community and the public serve as the basis for our support:

- + Offsite mitigation banks are vital to urban, mixed-use, commercial, and industrial projects that often require more lot coverage to achieve necessary density. On-site planting for projects like these creates isolated forest stands that are difficult to manage and provide limited environmental benefits.
- + Current law and the bill require twice as much acreage to be purchased in an off-site forest retention bank than if the mitigation is completed through planting forest on-site or buying into a planted forest conservation bank. This can increase to four times the amount of forest mitigation if a project clears forest below the conservation threshold.
- + By allowing the use of both planted and retained forest banks the bill maintains a choice of mitigation options that has been available within the market and approved as qualified mitigation for many years. Without the clarifying legislation mitigation associated with existing and already approved development projects would be in question.
- + Because the mitigation bank is professionally managed and regulated, the air and water quality performance of the forest are increased compared to unmanaged tree stands.
- + The retention bank puts into permanent easement privately owned forest one of the key objectives of the state's forest management plans.

NAIOP has endorsed the Park and Planning amendments and is reviewing the DNR amendments. It is our expectation that both sets of amendments can be reconciled on a consensus basis.

**For these reasons, NAIOP respectfully requests your favorable w/ amendments report on House Bill 991.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Ballentine".

Tom Ballentine, Vice President for Policy  
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: House Environment and Transportation Committee Members  
Nick Manis – Manis, Canning Assoc.