

Stein Senate Testimony HB 784.pdf

Uploaded by: Dana Stein

Position: FAV

DANA M. STEIN
Legislative District 11
Baltimore County

Vice Chair
Environment and Transportation
Committee

Subcommittees
Chair, Environment
Natural Resources,
Agriculture and Open Space



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The Maryland House of Delegates

ANNAPOLIS, MARYLAND 21401

Delegate Dana Stein Testimony in Support of HB 784

Department of Natural Resources – Irreplaceable Natural Areas Program - Establishment

Chairman Pinsky and Members of the Senate Education, Health, and Environmental Affairs Committee:

This legislation would establish the Irreplaceable Natural Areas Program. It is another step forward in protecting the critical **HABITAT** of Maryland's rarest species, but **only** on public lands managed by the DNR.

Around the world, one million animal and plant species are now threatened with extinction, many within decades. This extinction is not only happening in tropical rainforests but is happening in Maryland. For example, the U.S. Fish and Wildlife Service is in the final stages of review to declare the Maryland Darter extinct. The darter was the only vertebrate animal unique to Maryland. Failing to protect our unique habitats will result in further biodiversity loss and extinction of the species vital to our ecosystem.

That is why House Bill 784 focuses on the protection of the habitat of species. DNR currently has regulatory authority to protect threatened and endangered species but not their habitats.

This bill would protect what are called irreplaceable natural areas – the last few biologically unique places where threatened and endangered species still hang on. Once these areas are lost, we can never replace them.

The bill requires DNR to designate these areas by mid-2023, including maps of each, unique features and threats to each, and compatible uses. DNR has documented the general locations of these rare species and are shown on their Bio-Net GIS Maps.

House Bill 784 will give the Department of Natural Resources a much-needed regulatory tool to protect irreplaceable natural areas which, once lost, are lost forever.

I request a favorable report on this legislation.

HB 784_CBF SUPPORT.pdf

Uploaded by: Erik Fisher

Position: FAV



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

House Bill 784

Department of Natural Resources - Irreplaceable Natural Areas Program – Establishment

Date: February 23, 2022

To: Environment & Transportation Committee

Position: Support

From: Erik Fisher, AICP
MD Land Use Planner

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 784, which locates areas of high biodiversity and unique natural communities on state-owned lands, and identifies management strategies that support them. This bill integrates existing environmental data and programs to ensure proactive, sustainable management of truly irreplaceable natural areas.

State-owned lands serve as reservoirs of biological diversity and quality that keep Maryland's environment healthy and resilient. Positioned between southern and northern climates, and stretching from the mountains to the coast, Maryland is home to a disproportionately high variety of plant and animal species. This ecological diversity provides us with a strong and resilient natural environment. A greater variety of plant and animal species can more precisely regulate environmental conditions, preserving the health of land and water. While challenged by pressures like climate change and sea level rise, biodiversity also provides a foundation for our environment to adapt and withstand their impacts.

HB 784 integrates existing environmental data and planning to proactively protect these resources.

The state maintains a wealth of environmental information to draw upon when locating irreplaceable natural areas. In addition to Maryland's comprehensive catalog of Geographic Information Systems (GIS) data, many of the lands subject to HB 784 were surveyed and inventoried for the scoring systems that guide the state's land acquisition and easement purchase decisions. Similarly, the state has invested in plans such as Greenprint and Targeted Ecological Areas that delineate and characterize green infrastructure, forests, stream buffers and other habitat. The information and recommendations in these plans can inform the development of management strategies specific to the needs of each natural area.

Protecting and promoting biodiversity requires an integrated management approach. Most of Maryland's existing environmental statutes manage a specific type of environmental feature, be they forests, wetlands, streams, floodplains, endangered species, or shorelines. HB 784 proactively brings data, rules and practices together to set clear, science-based expectations for the activities that are compatible with these precious natural spaces.

CBF urges the Committee's FAVORABLE report on HB 784. For more information, please contact Robin Jessica Clark, Maryland Staff Attorney at rclark@cbf.org and 443.995.8753.

Maryland Office • Philip Merrill Environmental Center • 6 Herndon Avenue • Annapolis • Maryland • 21403
Phone (410) 268-8816 • Fax (410) 280-3513

The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.

HB784 Irreplaceable Natural Areas Program-MNPS Swe

Uploaded by: Jil Swearingen

Position: FAV

Testimony: HB784 Establishment of an Irreplaceable Natural Areas Program in Maryland's Department of Natural Resources
Position: Favorable
Committee: Education, Health, and Environmental Education
Hearing Date: March 22, 2022

I'm writing on behalf of the Maryland Native Plant Society in support of HB784, a bill to establish an **Irreplaceable Natural Areas Program** in the Department of Natural Resources, for the purpose of preserving Maryland's native biodiversity on State-owned land managed by the Department. This important and far-sighted legislation supports MNPS's mission "*to promote awareness, appreciation, and conservation of Maryland's native plants and their habitats, through education, research, advocacy, and service activities.*"

Maryland's ecosystems and native plant communities are under siege from development-related habitat destruction, invasive species, climate change, over-abundant white-tailed deer populations, heavy and increasing human recreational use, and insufficient management and restoration. These impacts have resulted in major changes to Maryland's biodiversity over the past century, including increasing numbers of native species becoming rare, threatened and endangered. According to *Vascular Plants of Maryland, USA: A Comprehensive Account of the State's Biodiversity*, there are **2,918 vascular plants with 2,094 native species, of which 737 (35%) are tracked by the Maryland Natural Heritage Program due to concerns about existing and potential threats to their survival.** There are 824 non-native (28%) species.

Native plants do not exist in a vacuum. They sustain native animals, are the basis of the food web, and require sufficient high quality habitat in order to thrive. Native plants and animals have coevolved over very long periods of time and are strongly dependent on one another. Some animals require particular plant species or genera in order to complete their life cycle. In addition to the many environmental services that native plants provide, they serve as essential larval food for caterpillars that feed Maryland's native birds and other wildlife. Native insects provide essential pollination services for many insect-pollinated native plant species.

Establishment of an Irreplaceable Natural Areas Program will give DNR a clear directive to better protect unique natural communities of rare or declining plant and animal species, and outstanding examples of plant communities and ecosystems in Maryland. With threats to native habitats and species increasing, establishment of an Irreplaceable Natural Areas Program will require DNR to delineate these areas and develop management plans to ensure their long-term survival.

Respectfully,

Jil Swearingen
Board Member, Maryland Native Plant Society

*Irreplaceable, that's what they are.
In our state, both near and far.
Native plants sustain the fauna and
Need protection if we're gonna,
Keep Maryland's wildlife for a long, long time.*

HB784_AudubonMidAtlantic_Fav.pdf

Uploaded by: Jim Brown

Position: FAV



Maryland Office
2901 East Baltimore Street
Baltimore, MD 21224
Tel: 410-558-2473
md.audubon.org

March 22, 2022

The Maryland Senate
Education, Health and Environmental Affairs Committee

Re: HB 784 Department of Natural Resources - Irreplaceable Natural Areas Program Act of 2022

Position: Favorable

Honorable Members of the Health, Education and Environmental Affairs Committee:

Audubon Mid-Atlantic strongly supports the Senate companion bill to HB 784, Department of Natural Resources - Irreplaceable Natural Areas Program – Establishment. Audubon Mid-Atlantic is a regional office of the National Audubon Society with more than 35,000 members in Maryland. Our mission is to protect birds and the places they need, today and tomorrow, throughout the Americas using science, advocacy, education, and on-the-ground conservation.

Maryland supports an impressive diversity of natural environments and has often been referred to as “America in Miniature.” However, many of the best examples of natural areas are threatened with outright loss or degradation by a range of human activities and also by climate change. The loss and degradation of natural habitats is one of the greatest threats to biodiversity, both globally and here in Maryland. Audubon works closely with the Maryland Department of Natural Resources to identify and safeguard sites of high conservation for birds, including a network of Important Bird Areas across the state, part of a global network of such sites coordinated by Birdlife International.

The Irreplaceable Natural Areas Program proposed by this bill would expand the ability of Maryland Department of Natural Resources to protect the state’s threatened and endangered species and also the unique habitats on which these species depend. The species most in need of conservation tend to be those that specialize in particular environments, and such environments are often those that are the most vulnerable to changes caused by a range of human activities. This bill will enable Maryland to not only protect, but also to safeguard, through proper management, these most vulnerable of natural places, and thus preserve the full array of biodiversity in the state for future generations.

Audubon applauds the introduction of this bill and is pleased to give it strong support.

Jim Brown

Audubon Mid-Atlantic
Policy Director

David Curson

Audubon Mid-Atlantic
Director of Conservation

HB784_MDSierraClub_fav 22Mar2022.pdf

Uploaded by: Josh Tulkin

Position: FAV



P.O. Box 278
Riverdale, MD 20738

Committee: Education, Health and Environmental Affairs

Testimony on: HB784 “Department of Natural Resources – Irreplaceable Natural Areas Program - Establishment”

Position: Support

Hearing Date: March 22, 2022

The Maryland Chapter of the Sierra Club supports HB 784. The bill would establish an Irreplaceable Natural Areas Program in the Department of Natural Resources (DNR) for the purpose of preserving Maryland’s native biodiversity on State-owned land managed by the DNR for current and future residents of the state.

Maryland's native ecosystems and plant and animal species are disappearing due to development, invasive species, climate change, and insufficient protection, management, and restoration. Over the years, these factors have contributed to changes in Maryland’s biodiversity. Over one third of Maryland native plant species are being tracked due to threats of their survival.¹ Over 300 species of Maryland’s wildlife species are classified as rare.²

Sierra Club members and supporters find value in ecosystems that support our native plants and animals. These highly functional ecosystems are critical not only to preserving biodiversity, but also to mediate effects of climate change, absorb storm water runoff, buffer temperature fluctuations, and provide carbon sinks. In addition to these environmental services, native plants provide food for essential pollinators.

The Irreplaceable Natural Areas Program will give DNR the directive to protect these exceptional natural places. While threats are increasing to native habitats and species, establishment of this program will require DNR to delineate these areas and develop compatible activities that ensure their long-term survival. We recommend a favorable report.

Lily Fountain
Natural Places Committee Chair
Lily.Fountain@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

¹ Knapp, Wesley; F. C. Naczi, Robert (2021): Vascular Plants of Maryland, USA: A Comprehensive Account of the State's Botanical Diversity. Smithsonian Contributions to Botany. Book. <https://doi.org/10.5479/si.14605674>

² DNR, Maryland’s Wildlife Species, https://dnr.maryland.gov/wildlife/Pages/plants_wildlife/mdwllists.aspx

HB 784 Irreplaceable Natural Areas Program (Favora

Uploaded by: Michelle Dietz

Position: FAV

Tuesday, March 22, 2022

TO: Paul Pinsky, Chair of Education, Health and Environmental Affairs Committee and Committee Members
FROM: Michelle Dietz, The Nature Conservancy, Director of Government Relations; and Cait Kerr, The Nature Conservancy, Climate and Conservation Policy Analyst,
POSITION: Support HB 784 - Department of Natural Resources - Irreplaceable Natural Areas Program - Establishment

The Nature Conservancy (TNC) supports HB 784 offered by Delegate Stein. TNC is a global conservation organization working to conserve the lands and waters on which all life depends. In Maryland, our work focuses on delivering science-based, on-the-ground solutions that secure clean water and healthy living environments for our communities, reducing greenhouse gas emissions and increasing resilience in the face of a changing climate. We are dedicated to a future where people and nature thrive together.

TNC is part of a global effort to preserve the world's remaining wild and near-natural habitats, with the goal of protecting 30 percent of the planet by 2030. HB 784 aims to promote state-owned and managed lands' capacity to preserve biodiversity through establishing the Irreplaceable Natural Areas Program. This program expands the Maryland Department of Natural Resources' ability to protect threatened and endangered species by preserving the vital habitats that support these species. Establishing this program will preserve our state's unique biodiversity for current and future generations.

Each year, the United States loses an area the size of Delaware to development and unsustainable use. This land and biodiversity loss can often be irreversible. Here in Maryland, the lands and waters that surround us are irreplaceable resources. They are an invaluable part of our heritage, our economy, and our identity. Climate change and a wide range of human activities are impacting habitats at an unprecedented and unsustainable rate. The precipitous decline in biodiversity—the complex and wondrous system of life that sustains us all—is one of our greatest challenges; it is jeopardizing food and water supplies and undermining global, social and economic stability. Economists have estimated that nature contributes trillions of dollars to the global economy each year, in the form of ecosystem services such as pollination and water filtration and storage. By establishing the Irreplaceable Natural Areas Program, Maryland can take marked steps to reverse biodiversity loss in our state in order to create a future where natural areas can support the most vulnerable species and can continue to provide valuable ecosystem services on which state residents depend.

TNC commends Delegate Stein for advancing legislation aimed at protecting habitats to maintain Maryland's biodiversity and preserving irreplaceable ecosystem services as well as nature's intrinsic cultural and physical values.

Therefore, we urge a favorable report on HB 784.

MFA HB784 Opposition.pdf

Uploaded by: Joe Hinson

Position: UNF



Maryland Forests Association, Inc.

P.O. Box 332 Linkwood, MD 21835

410-463-1755

Maryland's voice for forest, wildlife, and natural resource management

March 21, 2022

The Honorable Paul G. Pinsky, Chair
The Honorable Cheryl C. Kagan, Vice Chair
Maryland Senate Education, Health, and Environmental Affairs Committee
Miller Senate Office Building, 2 West Wing 11 Bladen St.
Annapolis, Maryland 21401 – 1991

Re: HB784- Department of Natural Resources- Irreplaceable Areas Program- Establishment

Dear Chairman Pinsky, Vice Chairwoman Kagan, and Members of the Committee:

The Maryland Forests Association (MFA) opposes the passage of HB784

Maryland Forests Association, Inc. (MFA) is Maryland's voice for forest, wildlife, and natural resource management. As a non-profit 501 c(3) membership-driven organization established in 1976, we represent the entire forest community statewide. Our membership includes private landowners, foresters, recreational groups, and industry stakeholders. We are a conservation-minded group that wants to see forests remain forests. We believe that if passed, HB784 would add an unnecessary, redundant level of planning and open the door to controversy over state land management., interfering with our vision which states: "The Maryland Forests Association envisions a future in which vibrant forests are maintained throughout the State, providing diverse economic and environmental benefits to all."

HB784 would require the DNR to develop regulations that identify, describe, and create a management prescription for areas that are home to species designated as rare, threatened, or endangered. DNR has already mapped these areas, and every inch of state-owned land has a designation based on its resources. This bill is ill-advised and should not be passed for these reasons:

First, it is redundant. Each state forest is managed according to a comprehensive plan, a crucial part of which is to identify ecologically significant areas, including areas critical for the habitat of individual wildlife areas. For example, the plan for the Eastern regional forests shows there are seven separate zones, each to be treated differently to preserve their ecological values. Then, each year, DNR drafts a work plan with specific projects designed to help achieve the longer-term goals outlined in the overall management plan. Finally, public review and comment are actively sought for each level of planning. This process results in 72,000 of the 217,000 acres of state forests are not available for timber harvests. According to DNR's recent "Forest Action Plan," if state lands managed as parks or wildlife management areas are included, the percent of lands where logging is prohibited jumps to 41%, according to DNR's recent "Forest Action Plan."

Second, the bill is based upon subjective terms. "Biodiversity," "irreplaceable natural area," "unique natural community," or "pristine example of a native ecosystem type" represent open invitations for disagreement among the scientific and legal community. Such terms are a staple of continued controversy over public land management across the country. Imposing this requirement on DNR and basing them on subjective terms will do nothing more than overturn the established planning and management process for state-owned lands.

I spent much of my career in Idaho, representing the large timber industry there. We were heavily dependent on timber from the national forests, the majority landowner in the state. It was a constant battle between the industry and those who opposed logging on public lands. Much of that fight centered around the interpretation of various subjective terms similar to those in HB784, and much of it devolved into complex legal battles. Only the lawyers did well in the process.

Finally, for those who might not trust the state's planning process or question its validity, it is essential to note that two third-party organizations, the "Sustainable Forests Initiative" and the "Forest Stewardship Council," both require identification and protection of important ecological areas. On a regular basis, teams of scientists and natural resource professionals visit each state forest for intensive field audits of their operations to ensure these organizations' objectives are being met. As a result, they issue a certification to the DNR that management of the state forests meets environmental values.

Bear in mind that state-managed timber lands make up fully one-third of all the parcels of forests over 10 acres on the lower Eastern Shore, so we take the management of state forests very seriously. Can what we witnessed on public lands out west happen here? We can only point to The Old Growth Forest Action Network's comments on last year's annual work plan for these lands, "In light of the scientific advances since the State forest lands were acquired, forest harvesting should be halted, or sharply curtailed on State forests." The provisions of this bill will provide the tools for those who clearly oppose active forest management, including logging, to achieve their goals.

We believe that state-owned land is already adequately protected and respectfully request an UNFAVORABLE report on HB784. We ask that the committee takes the time to learn more about sustainable forestry and the other laws and regulations that are already in place. The Maryland Forests Association would be more than happy to arrange a field tour.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Hinson". The signature is fluid and cursive, with a large initial "J" and "H".

Joseph Hinson
President
Maryland Forests Association

HB0784_DNR_LOI_EHEA_3-22-2022.pdf

Uploaded by: Bunky Luffman

Position: INFO



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Deputy Secretary

Bill Number: HB 784

Short Title: Department of Natural Resources - Irreplaceable Natural Areas Program - Establishment

Department's Position: Letter of Information

Explanation of Department's Position

The Maryland Department of Natural Resources (Department or DNR) provides the following information on HB 784.

The bill requires the Department to create regulations, which identify, describe, and create a management prescription for areas that are home to species designated as rare, threatened or endangered. The criteria for site selection are prescribed in the bill, although only in general terms.

DNR's land units are designated according to their significance, resource management practices, and recreational focus. One of our Maryland State Park designations is a Natural Environment Area (NEA). NEAs are generally state parks with significant or unique geological or ecological resources, including rare, threatened and endangered flora and fauna. These areas are often managed in cooperation with DNR's Wildlife and Heritage Service (WHS) to preserve and restore the park's unique natural resources and biological diversity. Recreational development is secondary to preservation objectives with a primary focus on interpretation and environmental education.

Likewise, HB784 is similar to the existing Wildlands laws and provisions. Wildlands are unalterable without the formal consent of the Maryland General Assembly through legislative action. Under HB784, Irreplaceable Natural Areas could be altered, modified, or presumably eliminated through regulation by DNR. State forests are already required to protect rare species through dual certification for Sustainable Forestry as required by law (Nat. Res. Art. 5-102.b.(6)), and additional regulation could set up conflicts between that and requirements of the two certifying bodies.

For purposes of future land acquisitions, Maryland's Green Infrastructure Assessment identified Targeted Ecological Areas, which are lands and watersheds of high ecological value that have been identified as conservation priorities by DNR. The associated BioNet map identifies areas that support rare, threatened, and endangered species; rare and high quality plant and animal communities; species of Greatest Conservation Need; wildlife concentrations; and important habitats needed for wildlife migration and movements related to climate change.

Contact: Bunky Luffman, Director, Legislative and Constituent Services
Bunky.luffman1@maryland.gov ♦ 410-689-9165

However DNR utilizes discretion in publicly documenting the precise locations of rare, threatened, and endangered species when there is concern that illegal collection or poaching could occur. This is particularly true for reptiles and medicinal plants that are valuable in illegal trades. The bill, as proposed, requires mapping of these areas, which could unintentionally jeopardize rare, threatened, and endangered species.

For any additional information, please contact our Legislative and Constituent Services Director, Bunky Luffman.