

HB0884 State Conservation Land - Old-Growth Forest

Uploaded by: Catherine Plaisant

Position: FAV

Environment and Transportation Committee of the House

Testimony on: HB0884 State Conservation Land - Old-Growth Forests - Protection

Submitting: Catherine Plaisant

Position: Favorable

Hearing Date: 2.25.2022

To the Honorable Chair Barve and all members of the Environment and Transportation Committee:

I am writing in favor of HB0884 because old-growth forests are vitally important for biodiversity and the future of our environment. Beside the more well-know benefits of the trees, unique plant and animal communities have co-evolved with old forests. Those communities are often unique to individual forests and cannot be recreated, their loss cannot be mitigated.

I believe that Maryland should formally preserve the old-growth forests on its public lands, and encourage private owners to do the same. It can also pressure the federal government to preserve the many wild lands it owns in Maryland.

This bill will formalize protection for old-growth forests owned by the State of Maryland, so future generations can still benefit from them.

I recommend a favorable report on this important bill.

Sincerely,

Catherine Plaisant
8G Laurel Hill Rd. Greenbelt MD 20770
301 529-1089
plaisant@umd.edu

ShoreRivers Testimony FAV HB884.pdf

Uploaded by: Elle Bassett

Position: FAV



**Testimony in SUPPORT of HB884– STATE CONSERVATION LAND – OLD GROWTH
FORESTS – PROTECTION**

February 24, 2022

Environment and Transportation Committee

Dear Chairman Barve and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT of HB884** on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with over 2,000 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education.

HB884 will fill a current protection gap for old-growth forests located on State conservation land. Old growth forests are very rare and only .01% of forest are considered old growth in Maryland. Not only do these forests sequester carbon and provide vital biodiversity, they also provide great benefits to our local water quality by reducing stormwater runoff, uptaking nutrients, and preventing erosion.

The Wye River in particular, located in Queen Anne's and Talbot County, features the unique 2,800-acre Wye Island, a vast majority of which is a State Natural Resource Management Area. The island is home to the impressive old growth Schoolhouse Woods – which provide habitat to a variety of species including the recently delisted endangered Delmarva fox squirrel. While there are currently no threats to log these woods, this bill would ensure a formalized protection for such vital habitat.

For these reasons stated above, ShoreRivers urges the Committee to adopt a **FAVORABLE** report on **HB884**.

Sincerely,

Elle Bassett

Miles-Wye Riverkeeper, on behalf of:

ShoreRivers

Isabel Hardesty, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper

Elle Bassett, Miles-Wye Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

Main Office
114 S. Washington St.
Suite 301
Easton, MD 21601
443.385.0511

Regional Office
111A North Main St.
Galena, MD 21635
410.810.7556

shorerivers.org

Regional Office
207 S. Water St.
Unit B
Chestertown, MD 21620
410.810.7556

HB 884_CBF SUPPORT.pdf

Uploaded by: Erik Fisher

Position: FAV



CHESAPEAKE BAY FOUNDATION

*Environmental Protection and Restoration
Environmental Education*

House Bill 884

State Conservation Land - Old-Growth Forests - Protection

Date: February 25, 2022

Position: Support

To: Environment & Transportation Committee

From: Erik Fisher, AICP, Maryland Land Use Planner

Chesapeake Bay Foundation (CBF) **SUPPORTS** HB 884, which provides for sound management of old-growth forests on lands set aside for conservation. Old-growth forests provide unique and powerful environmental and social benefits, protecting biodiversity, fighting climate change, improving water quality, and improving human health.

Old-growth forests are unique ecosystems that keep Marylanders healthy and play a vital role in our region's environment.

While nearly all forested areas improve environmental conditions, the returns are often the greatest in old-growth forests – and some benefits can only be realized in these special areas. Old-growth forests sequester carbon at very high rates, create topsoil, provide microhabitats for fungi and fauna in accumulated dead wood, and provide a reservoir of diverse tree and understory species that can seed other areas. The mature trees and soil structure in old-growth forests also act as the Bay's best natural filter for polluted runoff, capturing nutrients and sediment that would otherwise foul nearby waterways.

Old-growth forests are rare and at risk of elimination without focused management.

The term “forest” is used to describe a continuum of wooded lands, from emergent natural regeneration of saplings to young pine stands, patches of maturing mixed hardwoods, and fully developed, multi-layered forest ecosystems. Existing state laws generally do not distinguish between these various types of forest. As a result, old-growth forests are usually managed as part of a much larger class of wooded lands governed by rules that allow for significant impact and loss. But according to the Old Growth Forest Network, less than 1% of our region's remaining forest land can be considered old-growth. As these areas are undefined and largely unprotected in statute, Maryland could lose its remaining old-growth forests and not even know it.

The management and protections afforded by HB 884 ensure a future for Maryland's old-growth forests.

HB 884 adopts a comprehensive definition of old-growth forests that is firmly rooted in science and practice. It applies this definition to lands that are already set aside for conservation, either owned by the state or where landowners have been compensated for preserving their land with an easement. Under HB 884, land managers can proactively address disease, invasive species, and activities that could irreparably harm the old-growth forest. It would also resolve conflicts that can arise between passive use and active development of public recreation lands by steering logging and development to more suitable areas.

CBF urges the Committee's FAVORABLE report on HB 884. 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.

HB0884 State Conservation Land - Old-Growth Forest

Uploaded by: Joyce Campbell

Position: FAV

Environment and Transportation Committee of the House

Testimony on: HB0884 State Conservation Land - Old-Growth Forests - Protection

Submitting: Joyce R. Campbell

Position: Favorable

Hearing Date: 2.25.2022

To the Honorable Chair Barve and all members of the Environment and Transportation Committee:

I am writing in favor of HB0884 for the following reasons:

Old-growth forests are forests that have never been clear-cut. Such forests store the most carbon and are vitally important for biodiversity.

Such forests are rare. It is estimated that in Maryland only .01% of forests are old growth. Most biologists believe that all remaining old growth areas should be preserved. Maryland should begin formally preserving the old-growth forests on its public lands.

According to a 2007 Maryland Dept of Natural Resources report, there are 2300 acres of Old Growth in 40 separate forested tracts. Many of these are protected as Maryland "Wildlands". Seventeen of the 40 old-growth areas have no protection as Wildlands. These total 386 acres.

Although old-growth areas in Maryland's State Forests are off-limits to logging due to the Forest Stewardship Council certification requirements, old-growth areas in Maryland's state parks have no such protection.

This bill will formalize protection for old-growth forests owned by the State of Maryland, so forests that have been standing for hundreds, possibly thousands, of years will remain standing through future political and staff changes.

I recommend a favorable report on this important bill.

Sincerely,

Joyce R. Campbell

7 Plateau Pl, Unit D, Greenbelt MD 20770

j.ribbens.campbell@gmail.com

540-449-5149

hb884, old growth forest protection, 2022.pdf

Uploaded by: Lee Hudson

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Environment and Transportation Committee
on
House Bill 884
February 25, 2022
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for the opportunity to testify for care of the gifts of creation. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community with three synods in every part of our State.

Our community addressed concern for a safe, healthy, flourishing environment to sustain life in “Caring for Creation” [ELCA, 1993 assembly]. Stewardship of natural resources and processes with conservation and preservation policies is wise, for it protects what is for the benefit of all things now living.

We communicated to DNR our concern about timbering an old growth forest patch in the Pocomoke State Forest over a year ago. Protecting such resources as a matter of State policy is obviously necessary. If logging State assets is not proscribed, obviously commercial pressures to do so will continue.

One particular and instructive interest in the Pocomoke incident illustrates the need to defend the web of life from degradation. There are entire migratory bird species that are biologically obligated to light for respite or nesting in dense timber stands such as old growth. Maryland’s Eastern Shore is one of the most critical migratory flyways on the planet. There are additional ecological imperatives represented by these precious and irreplaceable resources. “Old growth” means you cannot compensate or substitute for its loss.

The environment is not a commodity. State holdings are public trusts, not commercial assets. Please give **House Bill 884** a favorable report.

Lee Hudson

2.25.22 Chesapeake Conservancy testimony HB 884.pd

Uploaded by: Reed Perry

Position: FAV

BOARD OF DIRECTORS

Maite Arce
Hispanic Access Foundation

Richard Batiuk
U.S. Environmental Protection Agency, Ret.

Mark Belton | Vice Chair
Former Maryland Secretary of Natural Resources

Thad Bench
Benchworks

Michael Brubaker
Principled Strategies, LLC

Marc Bunting | Secretary
Alpine Food Service Solutions

Leslie Delagran | Treasurer
World Wildlife Fund

Joel E. Dunn | President & CEO
Chesapeake Conservancy

Matthew Earl
The MHE Foundation

Colin Harrington
Zephyr Energy, plc

Randall W. Larrimore | Chair
Ret. CEO of 2 Fortune 500 Companies

Pamela D. Marks
Beveridge & Diamond, PC

Stephanie Meeks
Student Conservation Association

John G. Neely
Neely • German Financial

Mamie A. Parker, PhD
US Fish & Wildlife Service, Ret.

John Reynolds
National Park Service, Ret.

G. Anne Richardson, Chief
Rappahannock Tribe

Jeffrey Sabot, CPA
Cherry Bekaert

Nancy B. Walters, PhD
Higher Education Administrator/Biologist, Ret.

Molly Ward
Former Virginia Secretary of Natural Resources

Beattra Wilson
IDEATION308

HONORARY DIRECTORS

Gilbert M. Grosvenor
National Geographic Society

EMERITUS DIRECTORS

Patrick F. Noonan
The Conservation Fund

Charles A. Stek
Environmental Stewardship Strategies

February 25, 2022

The Honorable Kumar Barve
Chair, Environment and Transportation
Maryland House of Delegates
251 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

The Honorable Dana Stein
Vice Chair, Environment and Transportation
Maryland House of Delegates
251 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

Dear Chair Barve, Vice Chair Stein and members of the Environment and Transportation Committee,

On behalf of Chesapeake Conservancy, I write to urge your support for HB 884, a bill that would establish protections for old-growth forests located on state conservation lands such as parks, wildlife management areas and Rural Legacy Areas.

Old-growth forests are incredibly rare and unique, encompassing .01% of forestland in Maryland. These forests are described as “old-growth” because they have avoided a major disturbance event like logging and contain a significant number of trees that well exceed the normal lifespan of a given tree species. These forests are also incredibly important from an ecological standpoint. Old-growth forests store more carbon and nitrogen than other forests. They provide exceptional habitat for birds and wildlife.

The Maryland Department of Natural Resources completed an inventory of old-growth forests on state lands in 2007, identifying about 2,300 acres on 40 separate forested tracts of land. Despite other existing designations such as “wildlands” areas, a portion of Maryland’s old-growth forests found on state land remain unprotected. HB 884 would address this gap in protection and would protect Maryland’s remaining old-growth forests found within state conservation lands.

Old-growth forests are a rare and unique living resource that have existed throughout centuries of Maryland’s history. Maryland should protect what’s left of these remaining forests.

Thank you for considering this legislation, and I urge your support for HB 884.

Sincerely,



Joel Dunn
President and CEO
Chesapeake Conservancy

HB0884 State Conservation Land - Old-Growth Forest

Uploaded by: Susan Barnett

Position: FAV

Environment and Transportation Committee of the House

Testimony on: HB0884 State Conservation Land - Old-Growth Forests - Protection

Submitting: Susan Barnett

Position: Favorable

Hearing Date: 2.25.2022

To the Honorable Chair Barve and all members of the Environment and Transportation Committee:

I am writing in favor of HB0884 for the following reasons:

Old-growth forests are forests that have never been clear-cut. Such forests store the most carbon and are vitally important for biodiversity.

Such forests are rare. It is estimated that in Maryland only .01% of forests are old growth. Most biologists believe that all remaining old growth areas should be preserved. Maryland should begin formally preserving the old-growth forests on its public lands.

According to a 2007 Maryland Dept of Natural Resources report, there are 2300 acres of Old Growth in 40 separate forested tracts. Many of these are protected as Maryland "Wildlands". Seventeen of the 40 old-growth areas have no protection as Wildlands. These total 386 acres.

Although old-growth areas in Maryland's State Forests are off-limits to logging due to the Forest Stewardship Council certification requirements, old-growth areas in Maryland's state parks have no such protection.

This bill will formalize protection for old-growth forests owned by the State of Maryland, so forests that have been standing for hundreds, possibly thousands, of years will remain standing through future political and staff changes.

I recommend a favorable report on this important bill.

Sincerely,

Susan Barnett
12 Plateau Place, Unit H Greenbelt, MD
suzanbwild@gmail.com
301 474 7465

HB884 MFA Opposition.pdf

Uploaded by: Beth Hill

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

February 23, 2022

The Honorable Kumar Barve, Chair
The Honorable Dana Stein, Vice-Chair
Maryland Environment & Transportation Committee
House Office Building
Annapolis, Maryland 21401

Re: HB884- State Land Conservation- Old Growth Forests-Protection

Dear Chairman Barve, Vice-Chair Stein, and Members of the Committee,

The Maryland Forests Association (MFA) opposes the passage of HB884

Maryland Forests Association, Inc. (MFA) is 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. Our industry and goals are often misunderstood and confused with land clearing and land-use change. A recent study by the Harry Hughes Center for Agroecology showed that many Marylanders do not understand forest management and the benefits it provides to both the environment and the economy.

HB 884, is intended to protect "old growth" forests on state-owned lands as well as private lands under a conservation easement. One of the biggest issues is that there is no consensus on what constitutes "old-growth" timber within the forestry and scientific community. The threshold requirement in the legislation that old-growth includes trees that have reached half their maximum attainable age is only an invitation to controversy, given the wide range of opinions and no scientific consensus on what this might be for individual tree species.

Here are the issues with this legislation as it applies to state forestland:

1. State forest lands are managed in accordance with their annual work plans. These plans identify old-growth areas, as well as other areas with significant conservation values and, include provisions for their protection. Public input is encouraged and used to shape the plans.
2. State forest land is dual certified (FSC & SFI) to ensure that management is in accordance with internationally recognized standards for long-term ecological, social, and economic sustainability. Annual 3rd party audits are performed to make certain the standards have been met.
3. According to the latest [DNR Forest Action](#) plan a quarter of Maryland's forests are publically owned, and over 41% of that forest is considered reserved from forest harvesting. One would assume that if logging is off the table in these areas they will eventually become "old-growth."
4. The same plan also states that over 40% of forests (both public and private) are over 80 years old and natural mortality is increasing.

Here are the issues as the proposed legislation pertains to eased lands:

1. The language seems to be retroactive- meaning if enacted this would be an unprecedented and unlawful taking of property rights. Logging is not development and does not constitute land-use change. Easements are established to keep both farms and forests working. Most easement programs require landowners to have forest management plans and often recognize the benefits of active management.
2. Prohibiting logging on eased lands could deter applicants from applying and have a negative impact on conservation goals.
3. While this bill might intend to protect very rare and special places as currently written it encompasses a tremendous part of the state. See chart below:

| | All Forests | Public Forests | Private Forests | Existing Easements on Private Lands | Rural Legacy Acres |
|----------------------------|--------------------|-----------------------|------------------------|--|---------------------------|
| Western Maryland | 535,582 | 158,550 | 377,031 | 76,840 | 119,355 |
| Southern Maryland | 329,475 | 41,095 | 288,379 | 118,103 | 193,934 |
| Lower Eastern Shore | 505,619 | 95,059 | 410,558 | 259,552 | 330 |
| | 1,370,676 | 294,704 | 1,075,968 | 454,495 | 313,619 |
| | | | | | |

In summary, MFA must oppose this legislation as unnecessary on public lands and a breach of faith with private landowners who have or might consider conservation easements. We respectfully ask for an UNFAVORABLE report on HB884. Feel free to contact me via email at beth@mdforests.org with any questions or concerns

Sincerely,



Elizabeth D. Hill
Executive Director
Maryland Forests Association

Opposition of HB 884 - State Conservation Land - O

Uploaded by: Colby Ferguson

Position: UNF



Maryland Farm Bureau, Inc.

3358 Davidsonville Road • Davidsonville, MD 21035 • (410) 922-3426

February 25, 2022

To: House Environment & Transportation Committee

From: Maryland Farm Bureau, Inc.

Re: **Opposition of HB 884 - State Conservation Land - Old-Growth Forests - Protection**

On behalf of our member families, I submit this written testimony opposing HB 884. This bill establishes protections for old-growth forests located on State conservation land. The bill requires that whenever the Department of Natural Resources or the Maryland Environmental Trust identify an old-growth forest on State conservation land, the land shall be managed in a way that minimizes disturbance to the old-growth forest, prioritizes passive recreational opportunities, prohibits logging and the construction of public amenities, and minimizes the risks posed by disease and invasive species.

All we need to do is to look at the California wildfires as what can happen when forested areas are not maintained. Removing forest management is a long-term disaster waiting to happen. This bill removes that ability to sustainably manage many of the forests in the state.

MDFB Policy: We oppose conservation easements prohibiting timber harvest. We support sustainable forest management on preserved agricultural land.

MARYLAND FARM BUREAU RESPECTFULLY OPPOSES HB 884

Colby Ferguson
Director of Government Relations

For more information contact Colby Ferguson at (240) 578-0396

HB0884_DNR_LOI_ENT_2-25-22.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: House Bill 884

Short Title: State Conservation Land - Old Growth Forests - Protection

Department's Position: Letter of Information

Explanation of Department's Position

The Maryland Department of Natural Resources (DNR) provides the following information on HB 884. House Bill 884 seeks to establish protections for old-growth forests allocated on state conservation land and specifies acceptable activities within these areas.

Maryland has the largest percentage of trees older than 100 years in the entire northeastern United States. This is in large part due to DNR's policies and approaches to forestry management which protect old-growth forests while also recognizing the ecological benefits of biodiversity.

The bill defines old growth forests as being of at least 5 acres in size with a preponderance of old trees with the oldest exceeding half the projected maximum age for the species and exhibits specific characteristics stated in the bill. State conservation land is defined as land protected under a conservation program administered by DNR or Maryland Environmental Trust including land subject to a conservation easement, within a designated Rural Legacy area and funded under Program Open Space (POS).

DNR already utilizes specialized management actions for old growth forests. The purpose of those management actions is to protect significant natural communities and biological diversity and to restore and enhance old growth forest structure and function. Large, contiguous forest blocks fitting this objective are designated as Old Growth Ecosystem Management Areas (OGEMAs). OGEMAs are optimally 1,000 acres or larger.

HB 884 prohibits logging within the old growth areas but requires the department to minimize risks posed by disease and invasive species. It is DNR's policy that OGEMAs generally be reserved from harvesting activities; however minimizing risks does require management. The prohibition on logging contemplated in the bill could be interpreted to prohibit management activities that reduce risk. Many treatments cannot be accomplished without the harvest of diseased trees.

Another concern is that the bill prohibits "public amenities" in old growth forests on state land while mandating that passive recreational opportunities be prioritized. While "public amenities" may bring to mind buildings and parking lots, the term also includes passive recreational

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

infrastructures such as trails and trail bridges. We believe these two lines are in conflict and support language that would allow for passive recreation, such as trails, to be allowed when appropriate.

The bill does not specify whether or not it is applicable to existing easements. Maryland Environmental Trust's easements are governed by legal agreements and are largely donated voluntarily on privately owned property. Reopening and revising these existing legal agreements would be difficult. Additionally, MET easements already include a requirement for a forest stewardship plan.

The legislation applies to all land funded by POS. POS Local provides grants to local governments to acquire property. Local governments currently review projects for conformance with appropriate Forest Conservation laws in the application. If a project includes an old-growth forest, the local government would have to manage the property accordingly. HB 884 may impact prior grant agreements DNR has with local governments since this bill was not in effect at the time those grants were awarded.

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