



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

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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.