



FREDERICK COUNTY GOVERNMENT
OFFICE OF THE COUNTY EXECUTIVE

Jessica Fitzwater
County Executive

HB 0723 - Natural Resources – Forest Preservation and Retention

DATE: March 1, 2023
COMMITTEE: House Environment and Transportation Committee
POSITION: Favorable
FROM: The Office of Frederick County Executive Jessica Fitzwater

As the County Executive of Frederick County, I respectfully request a favorable report on HB 0723 - Natural Resources – Forest Preservation and Retention with the inclusion of our attached amendments.

Improving state forest conservation programs including the Forest Conservation Act and the Forest Conservation Fund is a priority of Frederick County Government. In my previous role as a councilperson, I worked hard with stakeholders across the county to enact a strong and balanced local forest conservation ordinance. Balancing economic growth with sustainability and conservation has been a core ethos of mine and will be a cornerstone of my administration. I am proud of the strong conservation policies Frederick County has enacted and commend the State's effort to study and improve statewide conservation practices.

Based on robust conversations with my staff in multiple divisions including the Division of Planning and Permitting and the Division of Energy and Environment, as well as the bill sponsor, I believe this bill will be a strong step forward for statewide forest conservation efforts. To help ensure that statewide forest conservation policies are feasible for county and local governments, I believe there are a few minor amendments (see attached) that should be made to HB 723.


First, we believe changes should be made to the exemptions to “qualified conservation,” listed on pages 3 and 4. It is understandable that the bill sponsor and the advocates do not want land that is not at risk for development to be included in the forest banking program, with the current bill language, the protection of priority retention areas would be prohibited. Our amendments would identify specific target areas that are included in the forest banking program as a way to prioritize conservation in high-need habitats while not unduly limiting what projects qualify. This is a policy Frederick County has adopted and has been a successful tool in maximizing the impact of our conservation efforts.

Second, based on feedback from leaders in several municipalities in Frederick County, the deadlines for use of monies in the Forest Conservation Fund should be adjusted to provide sufficient time to effectively use these funds for reforestation or afforestation projects. While we understand the need to provide a timeframe for these funds to ensure they are used properly and efficiently, the current 2-year timeline has been problematic for smaller municipalities that want to invest in conservation projects but need more time to accrue the necessary funds and plan and execute qualifying projects. Frederick County Government supports legislation (HB 530) to extend the timeframe that local jurisdictions have to use forest conservation funds from two

years (or three growing periods) to five years (or six growing periods). We ask that those changes be made in HB 723 as well.

You will see other technical amendments included in the testimony of Michael Wilkins, Director of the Frederick County Department of Development Review and Planning, within the Division of Planning and Permitting. These amendments include stronger definitions of “forest land” and minor exemptions to accommodate businesses that rely on tree removal for the ecological health of their crop or core purpose of their business. Please consider the inclusion of the amendments described in this testimony, as well as the amendments enumerated in Director Wilkins’ testimony.

Thank you for your consideration of HB 723. I urge the committee to give this bill with a favorable report.



Jessica Fitzwater, County Executive
Frederick County, MD