SIERRA CLUB

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Committee: Environment and Transportation
Testimony on: HB 723 "Natural Resources – Forest Preservation and Retention"
Position: Support
Hearing Date: March 1, 2023

The Maryland Chapter of the Sierra Club strongly supports HB 723 "Natural Resources – Forest Preservation and Retention". This bill updates definitions and goals for the Forest Conservation Act. The goal to increase the retention and sustainable management of forest lands is changed from no net loss of forest to increasing the acreage of forest and tree canopy per the recommendations of the General Assembly mandated study, the Technical Study on Forest Cover and Tree Canopy in Maryland, also known as the Hughes Report.[1]

This report was released just before this General Assembly session and identified changes in the amount of forest and individual trees and clusters (tree canopy):

-*Net loss of forest in 20 counties*: Calvert, Allegheny, Prince George's, Montgomery, Charles, Anne Arundel, Washington, Howard, Cecil, Baltimore City, St. Mary's, Caroline, Harford, Baltimore County, Frederick, Dorchester, Kent, Carroll, and Talbot counties. The number of acres lost varied from a high of nearly 6,000 acres in Prince George's County, to the lowest net loss of 31 acres Talbot. Four counties gained forest: Queen Anne, Wicomico, Worcester, and Somerset, ranging from 2 acres to over 3,100 acres. If tree canopy, or individual trees or clumps over 10 feet tall are included as well as forest, the number of counties with increased forest canopy was 10 (Table 12).

-*Inadequate restoration of forest after development*: When development occurred over the five years studied, forest mitigation banking programs throughout Maryland either planted trees or preserved existing forest. However, following the Attorney General's decision to no longer permit the establishment of retention banks, the system is in change since those make up the majority (81%) of all reported bank acreage in the state. This contributed to forest loss in the state.

These losses are a critical problem for Marylanders since our forests provide many benefits. Historically, few ecosystem service benefits of forests had clearly established monetary values.[2] If a forest was logged, only the monetary value of the timber was considered; only recently have the goods and services provided by the forests been given a monetary value for the benefits of air pollution that acres of forest provide. It costs $6000 per ton to filter pollutants that trees removed for free. Even the value of the health benefits from trees has been modeled using the U.S. EPA's Environmental Benefits Mapping and Analysis Program (U.S. EPA 2012)[3] for each U.S. county. Another difficult-to-replace quality of trees is the quantity of reduced stormwater flow and

[1] Harry R. Hughes Center for Agro-Ecology, University of Maryland College of Agriculture & Natural Resources, Chesapeake Conservancy, & University of Vermont (November, 2022). Technical Study on Changes in Forest Cover and Tree Canopy in Maryland.
[2] The Wilderness Society (2001). Economic Value of Forest Ecosystem Services: A Review.
[3] Environmental Benefits Mapping and Analysis Program - Community Edition (BenMAP-CE).(2022).

pollution as 'net avoided runoff', meaning the amount of surface runoff (and associated pollutants) that no longer need to be managed due to the effects of trees.

Using these types of analyses, the state of New Jersey found that the water quality ecological services of forests was valued at 55 million. DNR reported in the Maryland Forest Carbon inventory that forests offset 14.8% of state emissions.[4] And in a review of studies of the economic value of forest, the recreational value of Eastern US wilderness was $29 million dollars.[5]

Because of the many documented benefits of forests, Bill SB527 designates the following types of forest areas as priority forests that are not to be disturbed unless a project is determined to qualify for a variance:

1. Forest land suitable for forest-interior-dwelling species (FIDS) habitat and forest corridors connecting these forest patches.
2. Forest land located in a targeted ecological area as identified by the Department of Natural Resources.
3. Forest located in a Tier II or Tier III high quality watershed as identified by the Department of the Environment.
4. Forest located in a Water Resource Protection Zone, a reservoir, watershed, or a Wellhead Protection Area as identified by a local jurisdiction.

Importantly, the bill increases the ratio for reforestation required to replace forest lost to development from 1 acre reforested for every 4 acres removed to 1 acre reforested for every acre removed (a 1:1 ratio) unless an alternate management approach is developed by a local government and approved by DNR that maintains the same amount of forest when viewed over a 2-year period. The bill also clarifies the provisions regarding the use of mitigation banks so that only areas with development potential are designated as qualified conservation areas and that their permanent protection only provides 50% credit towards meeting replacement requirements. These measures should enable Maryland to move toward net gain of forest canopy, as well as equalize the differences between counties in forest canopy change over time, while allowing more flexibility to jurisdictions to meet the new parameters. Finally, equity concerns are addressed by identifying measures to increase tree canopy in urban areas.

For all of these reasons, the Maryland Chapter of the Sierra Club strongly supports this bill and highly recommends your favorable report.

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[4] Maryland Department of the Environment (2017). Maryland Forest Carbon Inventory.
[5] The Wilderness Society (2001). Economic Value of Forest Ecosystem Services: A Review.