



CHESAPEAKE BAY COMMISSION

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Written Testimony

Bill Number/Title: HB 723 / Natural Resources – Forest Preservation and Retention
Committee: Environment and Transportation
Hearing: March 1, 2023
Position: Support

The Chesapeake Bay Commission is a tri-state legislative commission created by law in Maryland, Pennsylvania, and Virginia to advise the members of the three general assemblies on matters of watershed-wide concern. Its fundamental purpose is to assist each assembly and the U.S. Congress to develop legislation and policies that foster the collaborative and practical restoration of the Chesapeake Bay and its watershed.

Position

The Maryland legislative members of the Commission support HB 723, including any amendments offered by the sponsors.

Background

The protection and expansion of forest and tree canopy are critical to the restoring the health of the Chesapeake Bay for the benefit of the watershed's citizens. Natural forests are the most effective and least expensive means to capture rainwater and limit the pollutant loads from stormwater runoff. Additionally, forests (and tree canopy in non-forested landscapes) are a sink for atmospheric carbon and provide public health benefits. Forests and forest buffers along waterways provide a buffer for the impacts of flooding.

The General Assembly has addressed forest conservation for decades, both in providing incentives to preserve forest, and limitations on their removal. In response to efforts to strengthen the state's Forest Conservation Act, legislation was passed in 2019 and 2021 to require an assessment of forest and tree canopy in Maryland – given what were then disagreement about the status and health of the state's forested land. The results of this analysis, coordinated by the Harry R. Hughes Center for Agro-Ecology were released in late-2022.

The Hughes study made the following key findings:

- Although the rate of forest lost has slowed in recent years, we continue to (net-net) lose acres of forest each year.
- The rate of forest loss is very uneven across the state, with jurisdictions in the central part of Maryland experience much higher rates of forest and tree canopy loss than the state-wide average.
- The fragmentation of existing forests continues to be a significant concern.
- Given the right policy tools and incentives, the potential exists to reverse this trend, and create an environment where forest and tree canopy are increasing each year.

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Additionally, in recent years multiple counties have taken the policy lead in enacting local ordinances to strengthen forest conservation above the minimums of existing state law. HB 723 builds upon these efforts.

Summary of Legislation

HB 723 reflects the findings of the Hughes study by making policy actions that will turn the tide on forest loss in Maryland. Specifically, it does the following:

- Updates our state goal to be one of increasing forest and tree canopy cover over time.
- Makes the formal definitions consistent with the methods used by the Chesapeake Bay Program to assess forest and tree canopy cover.
- Strengthens the requirements of the Forest Conservation Act, while at the same time giving local governments and the development community significantly greater flexibility to pursue solutions that meet local needs and advance equity.
- Increases the protection of priority forest and reduces forest fragmentation.
- Allows for the use of existing forest for mitigation – but only when that forest is under potential threat.
- Narrows utility generation exemption to apply only to transmission infrastructure.
- Makes certain smaller forested areas eligible for forest management plans and associated incentives.

Collectively, these changes will contribute to an increase in forest and tree canopy in Maryland, while at the same time increasing the ability of local governments to structure programs to meet local concerns.

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