

SB0365/254131/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 365
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Forest” in line 2 down through “Alterations” in line 3 and substitute “Task Force on the Forest Conservation Act Offset Policy”; and strike beginning with “altering” in line 4 down through “Act” in line 10 and substitute “establishing the Task Force on the Forest Conservation Act Offset Policy; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to review, study, and develop findings and recommendations regarding forest conservation in Maryland; authorizing the Task Force to consult with certain entities in carrying out its duties; requiring the Task Force to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on the Forest Conservation Act Offset Policy”.

AMENDMENT NO. 2

On page 1, strike in their entirety lines 11 through 20, inclusive, and substitute:

“Preamble

WHEREAS, Forests and trees are critical for ameliorating the impacts of climate change and can mitigate greenhouse gas emissions by carbon sequestration; and

WHEREAS, Forests provide habitat for hundreds of wildlife species, including habitat needed for rare, threatened, and endangered species; and

WHEREAS, The ecosystem value of Maryland’s forests is in the tens of billions of dollars; and

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WHEREAS, Trees and forests in developed areas provide a plethora of benefits including mitigation of urban stormwater runoff, sequestration of carbon, avoidance of energy-related emissions, mitigation of air pollutants such as ozone and particulate matter, reduction of the urban heat island effect, and contributions to community livability; and

WHEREAS, Forest is the most beneficial land use for water quality by retaining sediment and removing nutrient pollution from air, stormwater runoff, and shallow groundwater; and

WHEREAS, Forests are under intense development-related pressure for residential, commercial, and industrial conversion due to the demands of a growing population; and

WHEREAS, Maryland consistently loses thousands of acres of forest annually to development in accordance with the Forest Conservation Act; and

WHEREAS, Recommendations of the Task Force to Study a No Net Loss of Forest Policy in 2009 and the Sustainable Forestry Council in 2011 identified areas of the Forest Conservation Act that need to be amended to move the State closer to its “no net loss of forests” statutory policy adopted in the Forest Preservation Act of 2013; and

WHEREAS, Multiple recommendations from these groups have not been enacted; now, therefore,”;

and in line 22, strike “the Laws of Maryland read as follows”.

On pages 1 through 3, strike in their entirety the lines beginning with line 23 on page 1 through line 15 on page 3, inclusive, and substitute:

“(a) There is a Task Force on the Forest Conservation Act Offset Policy.

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(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of Natural Resources, or the Secretary's designee;

(4) the Secretary of Planning, or the Secretary's designee;

(5) two municipal government representatives, designated by the Maryland Municipal League;

(6) two county government representatives, designated by the Maryland Association of Counties; and

(7) the following 14 representatives, appointed jointly by the President of the Senate and the Speaker of the House:

(i) four representatives from conservation organizations;

(ii) one representative from a land preservation organization;

(iii) one representative from a wildlife conservation organization;

(iv) one representative from the Sustainable Forestry Council;

(v) one representative from the nursery industry in the State;

(vi) one representative from the public health sector;

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(vii) two representatives from the utility industry;

(viii) two representatives from the commercial and residential development industry; and

(ix) one faculty member from a State college or university urban forestry or planning program.

(c) The President of the Senate and the Speaker of the House shall designate jointly the chair or cochairs of the Task Force.

(d) The Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) review and study the following issues:

(i) the amount and nature of historical and projected future changes in forested land due to development under the Forest Conservation Act, including changes due to activities exempt from the Act;

(ii) the amount and nature of forest clearing based on the type and location of development, such as differentiating low-density development from

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development that is associated with proximity to core public infrastructure and population centers;

(iii) the capacity of Priority Funding Areas to accommodate reforestation efforts, and alternatives for offsetting losses;

(iv) the status and effectiveness of fee-in-lieu programs in offsetting forest loss, considering the actual costs to local jurisdictions to undertake tree plantings; and

(v) mechanisms for ensuring timely reporting and maintenance of public records required annually under the Forest Conservation Act; and

(2) develop findings and recommendations for legislation to implement the findings and recommendations of the Task Force to Study a No Net Loss of Forest Policy's Final Report of 2009 and the Sustainable Forestry Council's Report on Policies to Achieve a No Net Loss of Forests in Maryland of 2011 related to the Forest Conservation Act, which may include:

(i) altering Forest Conservation Act mitigation ratios and allowable exemptions to fully offset all forest loss;

(ii) encouraging forest mitigation banking and other options to more efficiently replace forest lost to development;

(iii) enhancing protection for contiguous forest patches greater than 200 acres; and

(iv) adjusting fee-in-lieu programs as necessary to ensure all forest loss is offset or otherwise benefiting Maryland's forest goals.

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(g) The Task Force may consult with the Chesapeake Bay Program, the U.S. Forest Service, and other government agencies or academic institutions to obtain information about data, models, and policies useful in carrying out the duties of the Task Force.

(h) On or before December 1, 2017, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.”.

AMENDMENT NO. 3

On page 3, in line 17, strike “October” and substitute “June”; in the same line, after “2017.” insert “It shall remain effective for a period of 1 year and, at the end of May 31, 2018, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.