

SENATE BILL 729

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CF HB 735

By: **Senators Guzzone, Elfreth, Feldman, Lam, Lee, Patterson, Peters, and Zucker**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

CHAPTER _____

1 AN ACT concerning

2 ~~**Task Force on Forest Conservation in Maryland**~~

3 **Technical Study on Changes in Forest Cover and Tree Canopy in Maryland**

4 FOR the purpose of requiring the Harry R. Hughes Center for Agro-Ecology, in
5 consultation with the Department of Natural Resources, the Department of the
6 Environment, the Department of Planning, the Department of Agriculture, and the
7 Chesapeake Bay Program, to conduct a technical study to review changes in forest
8 cover and tree canopy in the State; providing for the scope of the technical study;
9 requiring the Harry R. Hughes Center for Agro-Ecology to submit a report of its
10 findings to the Governor and the General Assembly on or before a certain date;
11 providing for the termination of this Act; and generally relating to a technical study
12 to review changes in forest cover and tree canopy in Maryland. ~~establishing the Task~~
13 ~~Force on Forest Conservation in Maryland; providing for the composition, chair, and~~
14 ~~staffing of the Task Force; authorizing the Task Force to establish subcommittees;~~
15 ~~prohibiting a member of the Task Force from receiving certain compensation, but~~
16 ~~authorizing the reimbursement of certain expenses; requiring the Task Force to~~
17 ~~study and make recommendations regarding certain matters; requiring the Task~~
18 ~~Force to report its findings and recommendations to the Governor and the General~~
19 ~~Assembly on or before a certain date; providing for the termination of this Act; and~~
20 ~~generally relating to the Task Force on Forest Conservation in Maryland.~~

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That:

23 (a) ~~There is a Task Force on Forest Conservation in Maryland.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (b) ~~The Task Force consists of the following members:~~
- 2 (1) ~~the State Forester;~~
- 3 (2) ~~one member of the Senate of Maryland, appointed by the President of~~
4 ~~the Senate;~~
- 5 (3) ~~one member of the House of Delegates, appointed by the Speaker of the~~
6 ~~House;~~
- 7 (4) ~~two representatives of county government, designated by the Maryland~~
8 ~~Association of Counties;~~
- 9 (5) ~~two representatives of municipal government, designated by the~~
10 ~~Maryland Municipal League; and~~
- 11 (6) ~~the following members, appointed jointly by the President of the Senate~~
12 ~~and the Speaker of the House:~~
- 13 (i) ~~one representative of the Sustainable Forestry Council;~~
- 14 (ii) ~~one representative of the Chesapeake Bay Program Office within~~
15 ~~the University of Maryland College of Agriculture and Natural Resources;~~
- 16 (iii) ~~one representative of the Department of Agricultural and~~
17 ~~Resource Economics within the University of Maryland College of Agriculture and Natural~~
18 ~~Resources;~~
- 19 (iv) ~~one representative of the Chesapeake Bay Commission;~~
- 20 (v) ~~two representatives from environmental organizations;~~
- 21 (vi) ~~one representative from a land preservation organization;~~
- 22 (vii) ~~two representatives from the commercial and residential~~
23 ~~development industries;~~
- 24 (viii) ~~one representative from an environmental restoration business~~
25 ~~involved in forest mitigation banking;~~
- 26 (ix) ~~one representative from a public utility; and~~
- 27 (x) ~~one representative from a public health organization.~~
- 28 (e) ~~The President of the Senate and the Speaker of the House shall jointly select~~
29 ~~the chair or cochairs of the Task Force.~~

1 ~~(d) The Harry R. Hughes Center for Agro-Ecology shall:~~

2 ~~(1) provide staff for the Task Force under contract with the Department of~~
3 ~~Natural Resources; and~~

4 ~~(2) facilitate the meetings of the Task Force and the preparation of its final~~
5 ~~report with assistance, as required by the Task Force, from the Department of Legislative~~
6 ~~Services, the Department of Natural Resources, the Department of the Environment, the~~
7 ~~Department of Planning, and the Department of Agriculture.~~

8 ~~(e) The Task Force may establish subcommittees as necessary to fulfill its duties.~~

9 ~~(f) A member of the Task Force:~~

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

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

13 ~~(g) The Task Force shall:~~

14 ~~(1) undertake a technical review that includes, to the extent practicable:~~

15 (a) (1) The Harry R. Hughes Center for Agro-Ecology, in consultation with the
16 Department of Natural Resources, the Department of the Environment, the Department of
17 Planning, the Department of Agriculture, and the Chesapeake Bay Program, as
18 appropriate, shall conduct a technical study to review changes in forest cover and tree
19 canopy in the State.

20 (2) The technical study required under paragraph (1) of this subsection
21 shall, to the extent practicable, include:

22 (i) a survey and mapping of:

23 1. existing forest cover and tree canopy in the State; and

24 2. potential afforestation and reforestation locations in the
25 State;

26 (ii) an analysis of the health and quality of forests in the State;

27 (iii) an analysis of the progress toward the State's commitments to
28 expand urban tree canopy acres and plant riparian forest buffers under the 2014
29 Chesapeake Bay Agreement;

1 ~~(iii)~~ (iv) an analysis of observed and projected changes in land
2 cover and the amount of forest cover in the State due to development or other causes, using
3 the Chesapeake Bay Phase 6 Model, Chesapeake Assessment Scenario Tool (CAST), and
4 county and municipal forest conservation annual reports and land use plans, including the
5 extent and nature of:

6 1. mitigation activities involving existing forest conserved,
7 tree planting, reforestation, or afforestation under the Forest Conservation Act;

8 2. forest clearing, planting, and mitigation activity inside
9 and outside priority funding areas and locally designated growth areas; and

10 3. the clearing and mitigation of forest considered to be a
11 priority for retention and protection under § 5–1607(c) of the Natural Resources Article and
12 in State-identified targeted ecological areas and greenways, hubs, and corridors, ~~and,~~ and
13 the zoned density and sewer status of those areas;

14 ~~(iv)~~ (v) an analysis of observed and projected changes in the amount
15 of forest cover in the State based on:

16 1. relevant State or local programs involving tree planting,
17 reforestation, or afforestation; and

18 2. the amount of forest preserved through federal, State, and
19 local programs, including agricultural preservation, open space, conservation easement,
20 and other land preservation programs;

21 (vi) a review of forest mitigation banking in the State, including:

22 1. capacity and location of active banks;

23 2. regulation of citing and creation of new banks;

24 3. geographic limitations on the use of mitigation banks;

25 4. the relationship between fee-in-lieu rates under the
26 Forest Conservation Act and the market for forest mitigation banks; and

27 5. whether expanding the use of forest mitigation banks
28 could provide water quality improvements and other beneficial results; and

29 (vii) a programmatic and funding review of federal, State, and local
30 tree and forest planting programs such as:

31 1. Marylanders Plant Trees;

32 2. Lawn to Woodland;

1 3. Backyard Buffers;

2 4. Conservation Reserve Enhance Program; and

3 5. other programs used to further TMDL Watershed
4 Implementation Plans and MS4 permit compliance.

5 (b) On or before December 1, 2019, the Harry R. Hughes Center for Agro–Ecology
6 shall submit a report of its findings of the technical study required under subsection (a) of
7 this section to the Governor and, in accordance with § 2–1246 of the State Government
8 Article, the General Assembly.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2019. It shall remain effective for a period of 1 year and 1 month and, at the end of June
11 30, 2020, this Act, with no further action required by the General Assembly, shall be
12 abrogated and of no further force and effect.

13 ~~(2) consider the findings and recommendations of the Task Force to Study~~
14 ~~a No Net Loss of Forest Policy’s Final Report of 2009 and the Sustainable Forestry Council’s~~
15 ~~Report on Policies to Achieve a No Net Loss of Forests in Maryland in 2011;~~

16 ~~(3) on or before October 1, 2019, conduct a public hearing to gather~~
17 ~~information to assist in making recommendations; and~~

18 ~~(4) draft a report on the findings of the technical review and make~~
19 ~~recommendations regarding the statutory, regulatory, or policy changes needed to achieve~~
20 ~~the policy goals established under § 5–102(b) of the Natural Resources Article.~~

21 ~~(h) On or before December 1, 2019, the Task Force shall submit a final report of~~
22 ~~its findings and recommendations to the Governor and, in accordance with § 2–1246 of the~~
23 ~~State Government Article, the General Assembly.~~

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