



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

March 2, 2023

Committee: Senate Education, Energy, and the Environment

Bill: _____ SB 526 – Natural Resources – Forest Preservation and Retention

Position: Oppose

Reason for Position:

The Maryland Municipal League respectfully opposes SB 526, which makes significant changes to the Forest Conservation Act. We join our local government partners at the Maryland Association of Counties (MACo) and echo many of their concerns, but the following points are particularly significant to our members:

- Forest Con Thresholds. This bill establishes forest conservation thresholds for agricultural and resource areas, medium, high-density, mixed-use and planned unit development areas, commercial and industrial use areas, and institutional development areas. The forest conservation threshold changes to a ratio of 2 acres planted for every 1 acre removed. Municipalities are still challenged by the urban, dense nature of most of our jurisdictions and are unsure whether a 2:1 ratio is achievable, especially given the value and cost of land located inside a municipality, which is primarily designated for residential and commercial development. While municipalities go to great lengths to protect urban forests and maintain tree canopies in their cities and towns, due to the urban nature of most municipalities, it becomes more challenging to identify and site larger tracts of land to be designated for reforestation. It has been suggested by our membership that instead, there should be a demarcation between urban and rural land use and utilize a 1:1/4 acre reforestation standard in place for areas located inside Priority Funding Areas (PFAs).
- Mitigation Banking. The Harry Hughes study removed mitigation banking. This bill reauthorizes it, which we appreciate, but our members are concerned about how much forest will quality.
- Quantity Over Quality. This bill places a focus on the quantity of trees, rather than the quality of forests. The pervasiveness of invasive species, for example, is a significant factor in forest health. Clear cutting and development play a part in deforestation, but we also need to address the presentation/eradication of invasive species. The definition of “forest land” would need

1212 West Street, Annapolis, Maryland 21401

410-268-5514 | 800-492-7121 | FAX: 410-268-7004 | www.mdmunicipal.org

to be reexamined as well; the current definition does not exclude invasive species, so local governments would be required to replant invasive species under the current draft.

- FCA Manual. Although the Forest Service within the Department of Natural Resources administers the FCA, it is primarily implemented on the local level. Some municipalities have established their own municipal FCA, while others have elected to follow their county FCA regulations. However, the state FCA manual has not been reviewed since 1997. The League supports the updating of the FCA technical manual every ten years.

For these reasons, the Maryland Municipal League opposes SB 526. However, we are confident that further discussions will generate workable solutions that will enable us to change our position. We look forward to working with the Sponsors and this Committee towards a mutual goal of effective and pragmatic forest conservation in Maryland.

FOR MORE INFORMATION CONTACT:

Theresa Kuhns

Angelica Bailey Thupari, Esq.

Bill Jorch

Justin Fiore

Chief Executive Officer

Director of Advocacy & Public Affairs

Director of Public Policy

Manager of Government Relations