



HOWARD COUNTY OFFICE OF COMMUNITY SUSTAINABILITY
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Senator Brian Feldman, Chair
Senate Education, Energy, and the Environment Committee
Miller Senate Office Building, 2 West
Annapolis, Maryland 21401

Re: **TESTIMONY OF SUPPORT**: SB 526: Natural Resources - Forest Preservation and Retention

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee,

Howard County writes to request the Committee's support with amendments on Senate Bill 526. As you may be aware, in December of 2019, Howard County passed the strongest local Forest Conservation Act in the state.

Our Forest Conservation Act revision aimed at addressing two major problems. The first was the overall loss of forest in Howard County and a significant move toward a goal of no net loss. The second, and equally important goal, was to address what we refer to as "forest migration." Prior to these changes, forests in the eastern part of the County were being cut down only to be replanted in the western part of the County. This practice resulted in a lack of tree equity for many communities in the East

Howard County used two primary strategies to address the two issues outlined above. First, we increased the replanting ratio from the state minimum of '¼ to 1' to '1 to 1.' Then, we added an incentive for replanting done in the same watershed as the cutting - whereby the replanting ratio is now '½ to 1.' The other component was for residential developments, where 75% of the overall forest obligation must now occur on the site of the development through a combination of retention and/or replanting. This change helps ensure that the remediation of trees cut happens in the same neighborhood as the development.

Howard County applauds the initiative to improve the state Forest Conservation Act through both protection against forest loss and attention to important equity issues.

While the County supports the objectives of SB526, a few provisions of the bill give us pause. First, an overall replanting ratio of '1 to 1' is admirable, but with no exceptions, Howard County would be forced to eliminate its incentive for replanting within the same watershed as the development. This would be an unfortunate and unintended consequence that could undermine the health of our waterways by allowing replanting to again migrate away from the areas where the cutting occurs. An amendment could exempt local standards that provide for a lesser replanting ratio within the same watershed as the trees cut.

Secondly, the establishment of a '2 to 1' replanting ratio for cutting of "priority protection" areas is an understandable deterrent. However, the language of the law refers to "trees, shrubs, and plants." Read broadly, this language could require the replanting of not only trees cut in priority protection areas, but also invasive species, vines and other less desirable plant life at a '2 to 1' ratio. An amendment could make clear that the intent is only to replace trees cut in "priority protection" areas.

Additionally, due to the manner in which forest conservation obligations are calculated, the proposed '2 to 1' ratio could render many sites unable to achieve the 75% on-site reforestation requirement prescribed by Howard County's law. An amendment could provide for greater flexibility from the '2 to 1' ratio for jurisdictions like Howard County with on-site retention/replanting requirements that exceed state minimum standards.

Again, Howard County lauds the goals of this legislation and respectfully requests a few amendments that would ensure its local law remains a model of strength in forest conservation.

I welcome your support and urge a favorable report with amendments on Senate Bill 526.

All the Best,

Joshua D. Feldmark

Joshua Feldmark
Director, Howard County Office of Community Sustainability