



Senate Bill 651

Natural Resources - Forest Mitigation Banks and the Forest Conservation Fund - Alterations

MACo Position: **SUPPORT**

To: Education, Health, and Environmental
Affairs Committee

Date: March 1, 2022

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 651. The bill would modify certain aspects of the Forest Conservation Fund to give counties more time to use the resources distributed under the program.

Forest mitigation is an essential practice in ensuring that development does not come at the cost of our trees. Forest mitigation banks allow project developers to meet off-site forest conservation requirements by purchasing easements on established forestlands, protecting them in perpetuity. In areas where replanting on-site is not feasible, forest mitigation banks account for a reasonable forest conservation practice by providing "credits" to developers. Many counties use mitigation banking to comply with the Forest Conservation Act.

SB 651 would serve to strengthen the Forest Conservation Fund in several ways. The primary benefits would be the extension of timeframes by which local jurisdictions can use forest conservation funds for reforestation or afforestation and the restoration of the ability for counties to use the forest banking as a mitigation measure. The bill also removes a December 2020 deadline for approval of forest conservation plans; while also temporarily preserving the practice of forest banking until the completion of the Harry R. Hughes Center's study slated for December 2023.

MACo has engaged with the sponsor and other organizations regarding proposed amendments that will ensure counties can use forest mitigation banks in the future while also securing significant forest protections that are necessary for many counties' climate and stormwater goals. Counties support these potential multi-party amendments should the Committee choose to pursue a compromise approach.

SB 651 serves to improve a program that counties have relied on since 1990 to aid forest mitigation. Accordingly, MACo urges a **FAVORABLE** report for SB 651.