



MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: 02/20/2018 BILL NO.: SB 610

SUBJECT: NATURAL RESOURCES – FOREST CONSERVATION ACT – STANDARDS AND REQUIREMENTS

COMMITTEE: EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS

MDA POSITION: LETTER OF CONCERN

EXPLANATION:

SB 610 would create a priority retention area definition; creates an additional preamble; increases the required mitigation to a 1:1 ratio if priority retention areas are disturbed; requires that priority retention areas be retained, protected and left in an undisturbed state unless specific conditions are met and approved by the local authority; adds additional development plans for concurrent review with Forest Conservation Plans; enables local authorities to enter into MOUs with nonprofits to plant trees using fee-in-lieu funds; and requires the department to update the technical manual.

COMMENT:

SB 610 adds new areas that are considered priority retention areas and requires these areas to be retained, protected and left in an undisturbed state during the forest conservation plan review process. This would protect large areas of existing forest from development but has a consequence of not enabling these protected areas to be used as forest mitigation banks and creates a lower incentive for the state to purchase or obtain easements on properties in these areas.

For this reason and because there is no determination as to how this bill would impact productive agriculture lands with prime soils type I, II, and III. The Maryland Department of Agriculture ask that the general assembly take into account the possible increase of residential development pressure this bill may place on our landowners and farmers.

Maryland is a leader in forest conservation, as well as other statewide tree planting programs that have contributed to a 51% statewide tree canopy cover which exceeds the 2013 Forest Preservation Act's no net loss of forest policy of 40% tree canopy. It is important we protect our forests, agriculture lands, and all nature resources in our state from undue legislative harm.