



Senate Bill 365

Task Force on Forest Conservation Act Offset Policy

MACo Position: **OPPOSE**

To: Environment and Transportation Committee

Date: March 29, 2017

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** SB 365. The bill would create a task force that is unnecessary, improperly focuses on one narrow aspect of forest and tree canopy management, and leads to a set of predetermined outcomes.

As amended, SB 365 creates a 24-member Task Force on the Forest Conservation Act Offset Policy. The Task Force must look at a variety of issues related to the Forest Conservation Act (FCA) and requires the Task Force to develop findings and recommendations for legislation based on the findings and recommendations of the Task Force to Study a No Net Loss of Forest Policy's Final Report of 2009 and the Sustainable Forestry Council's *Report on Policies to Achieve a No Net Loss of Forests in Maryland of 2011*.

Based on the language of SB 365, MACo believes the Task Force will lead to a series of pre-determined outcomes, including altering the FCA mitigation ratios (the bill originally sought a 1:1 ratio that would be costly and potentially impossible to achieve in certain development settings) and increasing the fee-in-lieu. MACo is opposed to such pre-determination.

Additionally, the bill focuses solely on the FCA and older reports while ignoring more recent forest and tree management legislation and requirements, notably the Forest Preservation Act of 2013 (HB 706) which set a statewide no net loss of forest target of 40% tree canopy coverage on all public and private lands. Tree management requirements and outcomes under stormwater mitigation, the Chesapeake Bay Total Maximum Daily Load, and other more recent forest and tree management initiatives are excluded. MACo believes a study should include all relevant data and programs and not just narrowly focus on the FCA.

Finally, MACo believes the Task Force required under SB 365 is unnecessary as HB 706 of 2013 required the Maryland Department of Natural Resource, after the release of the first statewide forest resource inventory after January 1, 2017, to: "convene a stakeholder group comprised of representatives from local government, agriculture, forestry, development, conservation, and other interested parties to review the inventory and make recommendations in accordance with the policy goals established under § 5-102(b) of the Natural Resources Article, as enacted by Section 1 of this Act."¹

SB 365 would create an unnecessary task force with a set of pre-determined outcomes that does not take a comprehensive look at the state of Maryland's forest and tree canopy management. Accordingly, MACo requests the Committee give SB 365 an **UNFAVORABLE** report.

¹ Section 7 of HB 706 of 2013