



CHESAPEAKE BAY FOUNDATION

Environmental Protection and Restoration
Environmental Education

CB 30-2023

Howard County Forest Conservation Act Update

Date: June 20, 2023

Position: Support With Amendment

To: Howard County Council

From: Matt Stegman, MD Staff Attorney

Chesapeake Bay Foundation (CBF) **SUPPORTS WITH AMENDMENT** Council Bill 30-2023 which makes updates to Howard County's local forest conservation ordinance consistent with legislation passed during the 2023 Maryland General Assembly Session. CBF was one of the lead advocates supporting SB 526 and HB 723, which make much-overdue changes to the Maryland Forest Conservation Act. CBF wishes to applaud the bill's sponsor and Council members for their enthusiasm and determination to make Howard County a statewide leader in fully implementing these new laws.

We do, however, wish to raise one small area of concern regarding language in CB30-2023 that would change the local definition of forest to one that may inadvertently be less protective of existing forest patches than existing law or the statewide Forest Conservation Act. As introduced, the legislation would amend the definition of a forest for purposes of the local FCA to be an area at least one square acre (page 2, lines 19-22). This is a larger geographic footprint than the forest definition used in the Maryland FCA and could result in smaller patches of forest to not be covered by the local ordinance.

SB 526/HB 723 contained two distinct parts: one amending the statewide goals for forest cover and tree canopy and another making substantive changes to the Forest Conservation Act. For purposes of the statewide forest goal, forest cover will now be defined as a contiguous patch of trees at least one acre in size with a width of 120 feet. This standard was chosen to match the capabilities of existing mapping technologies and for consistency with existing data sets, allowing forest cover to be measured consistently over time. The State forest goals and definitions are located in § 5-101 of the Natural Resources Article. The Maryland Forest Conservation Act and its relevant definitions are contained in § 5-1601. For purposes of invoking the protections of the Maryland FCA, a forest is any area of trees or woody vegetation contained in an area of 10,000 square feet or greater, a significantly smaller area than what is used to measure the forest goals. This definition does not appear in SB 526 or HB 723 as it remained unchanged from current law.

Overall, CB 30-2023 makes important strides to protect trees and slow the loss of forest land attributable to development. This legislation, combined with the significant State, County, and private investments in forest preservation and planting, will help achieve not only no net loss of forest in Howard County, but actually achieve forest gain.

CBF urges the Council to pass CB 30-2023 with the amendment described above.

For more information, please contact Matt Stegman, Maryland Staff Attorney at mstegman@cbf.org.

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The Chesapeake Bay Foundation (CBF) is a non-profit environmental education and advocacy organization dedicated to the restoration and protection of the Chesapeake Bay. With over 300,000 members and e-subscribers, including over 109,000 in Maryland alone, CBF works to educate the public and to protect the interest of the Chesapeake and its resources.