



Sustainable Forestry Council

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SUSTAINABLE FORESTRY COUNCIL

May 3-4, 2012

Minutes

Attendees:

Gary Allen
Don Outen
Kim Finch
Al Goetzi
Kirk Rodgers
Connie Hoge
Ken Roberts

DNR:

Don VanHassent
Steve Koehn
Marian Honecny

Called to order at 11:05 AM.

Chairman Allen welcomed everyone and explained the meeting expectations. Now that the report has been submitted to the Secretary, Governor and legislature, we need to develop a plan to implement the recommendations contained in the report.

Minutes of the last meeting were distributed and minutes of a number of previous meetings that had not yet been officially approved had been distributed electronically prior to the meeting. Connie Hoge moved to approve the minutes. Don Outen seconded. One typographical error was noted in the November 18 minutes and corrected. All minutes were approved.

The group conducted a brief review of the report. The four main areas are: 1) prioritize forest conservation, 2) protect high quality forest, 3) offset all sources of forest loss and 4) encourage working land and family-owned forest stewardship. The key point here is number three – offsetting forest loss equals no net loss of forest.

The Council should not automatically reject an idea because of cost concerns. We should base our recommendations on effectiveness. The decision makers will have to take cost into account when deciding what recommended actions to move forward. The goal is to stabilize forest loss and have statewide forest cover of 40% by 2020. This will not happen overnight or by the end of 2012.

A more focused discussion on potential action items began with the question of what does no net loss mean. Some people have the notion that it means no trees are to be cut. The Council is unanimous in disagreeing with that concept. Trees will have to be cut in many circumstances and the term “working land” means forests should be managed which includes the cutting of trees.

The first item discussed was updating the Sensitive Area Element of the comprehensive plan requirements. Forests and agriculture were added in 2009 but there is concern that it isn’t enough. One suggestion is to revise the guidelines to require more information on forests. Another suggestion is to have forests as an element unto itself that has to be addressed. This option would lead to more State – County interaction and would require the counties to show the impact on forests of proposed zoning. Seventy five percent of development is occurring outside of Priority Funding Areas (PFAs) and is consuming forest (and ag) land in large numbers. With the new TMDL and WIP requirements, the benefits of retaining forests should encourage counties to adopt more forest friendly zoning.

The second discussion item was the Forest Conservation Act (FCA). The FCA is currently applied on a parcel by parcel basis. The latest report indicates approximately 65% of the forest cover on parcels that are proposed for development and are subject to FCA are retained or replanted. This means approximately 35% of the subject forest cover is lost to development. There was brief discussion on whether or not it could be modified to function on a landscape basis. However, that level is more a planning function. FCA is a fairly complex law that includes a number of technical terms such as exemptions, threshold levels and mitigation ratios. Each of these items could potentially be modified to decrease the amount of forest that is ultimately lost to development.

The following is a list of items that are either exempted from FCA in law or are subject to another law that has requirements related to forest loss:

- 5-103 – requires SHA and MDTA to replace forest loss in road development
- Chesapeake Bay Critical Area –
- Commercial timber harvesting
- Agricultural
- Utility projects that require Public Service Commission approval
- Routine utility maintenance
- Single lot development that disturbs less than 20,000 sq. ft.
- Linear projects that disturb less than 20,000 sq. ft.
- Mining – restoration required when mine site is closed
- Intra-family transfer
- Counties that have more than 200,000 acres of forest
- Non-tidal wetlands

One exemption that was removed in 2009 may need another look. The “paved area exemption” was removed because it was thought that requiring redevelopment of paved areas would force the planting of more street trees and thereby increase urban tree canopy. However, another school of thought is that by restoring the exemption and eliminating the cost of preparing a Forest Stand Delineation and a Forest Conservation plan, developers may be more inclined to “redevelop” areas within PFAs rather than go outside a PFA.

What was unknown at the meeting was how much more forest could be protected by modifying the exemptions, thresholds and mitigation ratios. Marian Honecny and her staff will conduct a study to determine what amount of forest loss would occur if exemptions, thresholds or

mitigation ratios were removed or modified to a number of different levels. The results will be sent to the Council as soon as the study is completed.

The Council discussed the concept of mitigation banking as a tool in the no net loss effort. These banks require perpetual easements. A question was raised regarding the possibility of having term easements (perhaps 25 years) as an option to encourage more landowners to become banks. Gary will ask Eric Sprague to develop ideas on the subject for discussion at the next meeting.

The use of the fee-in-lieu option for FCA compliance has raised many questions. The State is taking a look at the use of the option and the use of the funds by the counties when it is conducting biennial reviews. These reviews are currently underway and a summary will be prepared when all reviews are completed. The Council discussed the fee-in-lieu option and feels it should be kept as an option but recommendations need to be made to ensure funds are used appropriately.

Annual county reporting of FCA data has always been lacking to some degree. Some counties have the personnel and skills to prepare the reports in a timely manner. Others do not or do not place a priority on preparing the reports. The Council would like to pursue an answer to the question – is there some threat/incentive to encourage better reporting?

The “Turf to Trees” concept was discussed further. There are several items/ideas that need to be identified/developed before a statewide program could get started:

- Stable fund source

- Stable work force capable of locating, planting and maintaining the plantings

- No easement should be required for non-mitigation plantings

- How many lots/acres are available?

- We have to educate homeowners regarding the benefits of having trees planted.

- How could we work in the FCMA program for long term protection?

Gary asked Don O. to prepare a 300 word paper on what a statewide program would look like.

Adjourn – 5:15 PM.

Called to order at 8:10 AM.

Dan Rosen, Maryland Department of Planning was able to join the Council for the Friday portion of the meeting. The group discussed the vision of a “Forest Resource Element”(FRE) and what it would take to get it developed. Don O. explained the process Baltimore County used to develop their version of an FRE. How long it will take to develop the requirements of a statewide FRE will depend on the priority level given to it by the Department of Planning. Gary will draft a letter for Secretary Griffin to send to Secretary Hall requesting MDP assistance in the development of an FRE.

During the discussion on an FRE, the concept of the benefits of resource conservation was raised. What is the cost of losing forest cover? The reduction of those costs by conserving forests would be a strong selling point for the development of an FRE. Has DNR developed or can they develop a white paper on benefits of resource conservation. As an example, Gary recalls a report for the City of Cumberland on the cost savings associated with the planting of trees and buffers. Staff will do the research to determine if such a report has been written and locate any similar reports that could be of use. We need to tie savings to current mandates that impact local and state budgets.

The last part of the report to be discussed was “Encourage Working Land and Family-owned Forest Stewardship”. The discussion centered on the options for achieving third party certification for private landowners. The State has certification on its State Forest system but it came with a price. Most private landowners are not able or willing to pay for the audits that are necessary to achieve and maintain certification. The State is pursuing several methods of achieving certification for groups of landowners. These are the Tree Farm System and the Forest Conservation and Management Agreement (FCMA) Program. Progress has been made but more remains to be completed. Achieving certification for private landowners would make their forest products more marketable in the future.

Another ongoing effort that would help “Encourage Working Land...” is an effort by the Agro-Ecology Center to have the State use Maryland grown, Maryland sawn lumber in State funded construction projects.

Summary of potential items for implementation plan:

- Develop a Forest Resource Element

- Revise FCA exemptions, thresholds and mitigation ratios – based on report to be developed.

- Revise FCA technical manual

- Modify fee-in-lieu language to ensure proper expenditure of funds

- Implement “Turf to Trees” program

- Develop paper on costs of forest loss and benefits of forest planting

- Review easement criteria for forest and agricultural requirements

- Develop “on ramps” for private forest land certification

Gary, Erica and Don O. will develop a draft report by June 30 for review by the rest of the Council. The next Council meeting is tentatively scheduled for July 10.

Respectfully Submitted,

Donald VanHassent