



Sustainable Forestry Council

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SUSTAINABLE FORESTRY COUNCIL

November 8, 2011

Minutes

Attendees:

Gary Allen
Eric Sprague
Don Outen
Kim Finch
Al Goetzi
Kirk Rodgers

DNR:

Don VanHassent
Steve Koehn

Public:

Bill Miles
Gerald Winegrad
Eric Hadaway
Rick Johnstone
CJ Lammers
Henry Leskinen

John Canoles
Bud Reaves
Steve Bunker

Called to order at 1:05PM.

Chairman Allen welcomed Council members, staff and members of the public. He provided a brief history of the Sustainable Forestry Council and how the No Net Loss of Forest effort came to pass.

Senator Roy Dyson gave a few remarks regarding the development and passage of the Sustainable Forestry Act of 2009. The Senator sponsored the bill and fought for its' passage because he believes sustainable forestry is a good, and inexpensive, way to help clean up the Chesapeake Bay.

Vice-Chairman Eric Sprague presented a PowerPoint describing the draft report. This PowerPoint is posted on the Council webpage.

The first speaker was Bill Miles, representing the Association of Forest Industries. He handed out copies of AFI's input document. Highlights are as follows:

- Primary concern are exemptions for forest industry
- Be mindful of fiscal impacts of proposals
- Need to find ways to help forest owners hold onto land – SFA09 has many possibilities
- Zoning was included in SFA09
- Definition of working lands – forest land under management
- Easements are allowable with POS funds – let's use them.
- MALPF – forest and agriculture should be equal partners, ag and forestry boards need to meet
- One funding source – remove the Woodland Incentive Fund's \$200,000 cap on agricultural transfer tax from totally wooded parcels
- Use funds from the Chesapeake Bay Trust Fund for forestry activities

Gerald Winegrad gave a PowerPoint presentation for his testimony. He was representing a group of 58 scientists, policymakers and conservationists who have adopted 25 specific recommendations to help restore the Bay. He encouraged the Council to think bold, not just what might be feasible or acceptable. Highlights are as follows:

- Amend Forest Conservation Act (FCA), Critical Area Law, and state projects impacting forest law to assure no net loss and to remove the provisions that allow payment in lieu of replanting. All criteria would be tightened to prevent tree loss but if there is tree clearing, the person doing the clearing must replant at least at a 1 to 1 ratio and permanently protect the forested area through conservation easements or fee simple transfer. Buffer clearing would require a 2 to 1 ratio, and 1.5 to 1 for all other areas in the Critical Area. Replanting would be on site or, if not possible, in the same watershed of the county where clearing occurs. Watering and maintenance agreements for any new trees planted should be for at least three years. These easement and maintenance requirements should be in place before occupancy permits are issued. Eliminate loopholes in the FCA.
- All new development should keep or plant forest buffers of at least 100' around all streams and rivers. Reforesting 100' buffers around the Bay would be a priority.
- Amend Program Open Space to require 40% of POS funds off the top to be used ½ for the state, ½ for counties to purchase forest lands through conservation easements or in fee simple, permanently protecting priority forests, especially those on or near Bay waters. These POS funds could also be used to plant and protect riparian forest buffers under the Chesapeake 2000 agreement, including in developed areas. Allow 20% of 40% POS funds to be used for replanting riparian forest buffers.
- Amend POS so that at least 40% of the 17% of POS funds that the MALPF gets for ag land preservation would go to purchase permanent easements on farm forests. 76% of Bay forests are in private ownership, 40% on farms. Harvest of timber on such protected forests could be permitted if under a DNR stewardship plan. Amend MALPF to give highest priority to forest easements.
- Amend Rural Legacy to require 80% of funding to be used on forest conservation and replanting, especially of riparian buffers.
- Adopt legislation to stimulate improved forest conservation through mechanisms like tax incentives (income and property), and access to technical assistance for managing forests.
- Require the setting and implementation of urban canopy cover goals in Maryland's municipalities and urbanized areas, focusing on areas developed before stormwater management requirements.

- Legislation should be adopted to assure that County General Development Plans include provisions to maintain existing and enhance forest cover and add incentives for continued forest conservation, including the implementation of resource-based Small Area Plans to accomplish the no net loss goal.
- Fee-in-lieu if the fatal flaw/Achilles heel of no net loss of forest
- The loss of forests hinders the ability of the state and counties to meet the goals of the Watershed Implementation Plan

Rick Johnstone, IVM partners, offered the following suggestions:

- Develop a comprehensive management plan for ALL natural resources
- Additional requirements for powerline clearing will add costs for consumers. Powerlines can be good habitat for a variety of species, if managed properly.
- Pay attention to quality of forests.

Eric Hadaway, DMW, Inc.

- Need incentives for redevelopment projects. The paved area exemption under FCA was removed several years ago. Perhaps that can be reinstated.

Henry Leskinen, Eco-Science Professionals, Inc.

- We may see the gentrification of landowners due to the cost of compliance with new rules and regulations. Many young people will not be able to afford to meet mitigation requirements, even for a single lot, especially if you have to acquire land on which to plant.

CJ Lammers, M-NCPPC, Prince Georges County.

- Can argue the fee-in-lieu situation both ways. It is a useful tool but needs tighter review. Also need more flexibility to be able to use to best effect. Need to be able to use on private land.
- How can we measure ecosystem services? Is there a simple calculator?
- Concerned about the names used in the document (Forest Conservation Area, Woodland Conservation Area, etc). Could be confused with similar names/titles used in other programs, regulations or laws.
- Concerned that people will “give up on preservation” in urban areas. Need to beef up definition of Urban Tree Canopy (UTC).

John Canoles, Eco-Science Professionals, Inc.

- Is there some way to tie agricultural funding (Rural Legacy, MALPF, etc.) to getting trees planted in the right place?

Bud Reaves, Anne Arundel County and Steve Bunker, The Nature Conservancy declined to offer public comments but will provide written comments before the November 18 deadline.

Adjourn – 4:25PM.

Respectfully Submitted,

Donald VanHassent