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FOUNDATION

Saving a National Treasure

# The Forest for the Trees

## ANNE ARUNDEL COUNTY: Can Maryland's Leader in Forest Loss Become a Model for Forest Conservation?

**Anne Arundel County owns an unfortunate distinction: for nearly a decade, more forest has been cleared here than anywhere else in Maryland.**

The county lost more than 300 acres of forest per year between 2010 and 2017, a rate equal to losing more than half a football field of forest each day.

This wasn't always the case. Anne Arundel County was once a leader in protecting forests. The county's 1990 tree preservation ordinance provided a model for Maryland's landmark 1991 Forest Conservation Law,<sup>1</sup> the first of its kind in the nation. But the county's current laws have not kept pace. Lax forest protection policies have enabled developers to cut thousands of acres of Anne Arundel's forests—even as other growing counties with stronger forest protections, such as Carroll County, saw net increases in forest acreage since 2010, according to the Chesapeake Bay Program.

As forests succumb to sprawling strip malls and office parks, Anne Arundel voters are once again demanding leadership on this issue. In 2018, successful County Executive candidate Steuart Pittman publicly promised to manage growth in the county and preserve its natural beauty.<sup>2</sup> Voters also elected six new members to the seven-seat County Council. Newcomers, including Lisa Rodvien,<sup>3</sup> Allison Pickard,<sup>4</sup> Amanda Fiedler,<sup>5</sup> and Sarah Lacey,<sup>6</sup> as well as incumbent Andrew Pruski,<sup>7</sup>

expressed during their campaigns a desire to manage growth to protect the environment and existing county infrastructure.

County Bill 68-19, known as the Forest Conservation Bill, aims to deliver on these priorities. The bill is designed to protect forested land during development by incentivizing conservation and encouraging growth in built, transit-oriented areas. More than 80 percent of county voters are in favor of the bill, with strong support across political lines.<sup>8</sup>

It couldn't come at a more urgent time. Maryland is facing a 2025 deadline to significantly clean up polluted runoff that degrades water quality in Chesapeake Bay.<sup>9</sup> Climate change brings new risks, including high tide flooding that threatens commerce in downtown Annapolis.<sup>10</sup> And development continues to eat up the county's unprotected Greenways,<sup>11</sup> threatening community open spaces, recreational opportunities, and wildlife.<sup>12</sup> Forests are vital to address each of these challenges—they filter water,<sup>13</sup> offset greenhouse gas emissions,<sup>14</sup> improve health,<sup>15</sup> and provide habitat for insects, birds and other animals.

Over the next 20 years, Anne Arundel County's population is expected to grow by more than 8 percent—an addition of nearly 50,000 people.<sup>16</sup> The question is not whether the county will see more development, the question is how that development will occur. Will the county's future be one with healthy forests, or one without?

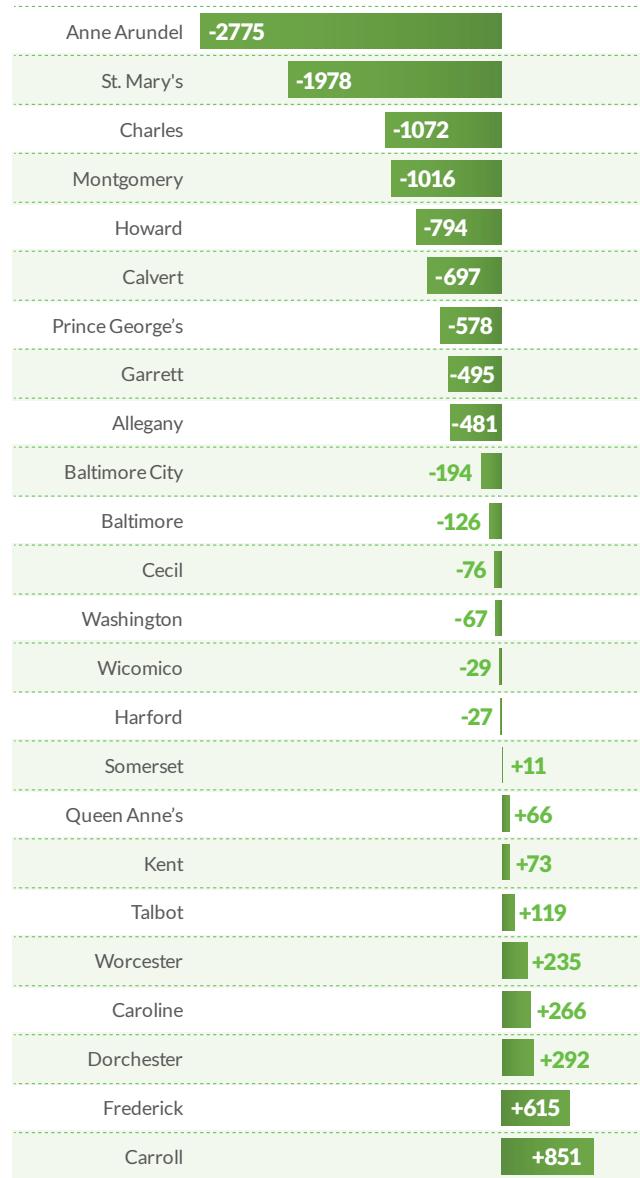


# Building a Future with Forests

The Forest Conservation Bill will ensure development happens in a way that protects forests and the many benefits they provide for current and future residents. The bill would curb the significant forest loss currently occurring and strengthen protections for the county's remaining forests by:

- A) Incentivizing developers to keep larger areas of forest intact and protect high-quality forest;
- B) Requiring greater replanting efforts when forests are cut; and
- C) Ensuring fees paid to the county sufficiently cover the true cost of forest loss and replanting.

## Maryland Forest Loss by County, 2010–2017



SOURCE: EPA/CHESAPEAKE BAY PROGRAM

## Incentivizing forest conservation

The bill increases the minimum amount of forest developers should preserve on a piece of land, a measure known as the “conservation threshold”.<sup>17</sup> Developers are still allowed to cut trees beyond the threshold, but doing so requires replanting more trees to make up for the forest lost. The way current law is written, developers can cut down large areas of forest without replanting. For example, a developer in Anne Arundel County can legally cut down 68 acres of a 100-acre forest without having to replant a single tree. The bill significantly narrows this gap—for the same 100-acre site, it would allow only 27 acres of forest to be cut before replanting is required.

The bill also includes stronger protections for forest areas that provide the greatest benefits to quality of life, water quality, and wildlife by expanding what is considered “priority retention area.” It adds Greenways—areas identified by the county that provide open space and recreational benefits—and important ecological areas, such as forests along streams and wetlands and forests that provide key bird habitat. Again, the bill does not preclude development in these areas, but it sets clear standards to ensure developers have strong justifications for cutting these high-value forests. And in the case of truly special features like endangered species or particularly large and old trees known as champion or specimen trees, developers must prove an unwarranted hardship—a time-tested standard for permission to impact sensitive areas.

## Requiring greater replanting efforts

When development does occur on forested land, county law requires only a portion, if any, of the cleared trees to be replanted. The bill steps up efforts to curb long-term declines in forest area by doubling the current replanting standard before a project reaches the conservation threshold<sup>18</sup>, requiring a half-acre of forest to be replanted for each acre of forest cut down. Current law only requires a quarter-acre of replanting for each acre lost.

## Ensuring fees cover true replanting costs

Instead of replanting trees themselves, current laws also allow developers to pay a per-acre fee to the county to replant trees cleared during development. The county is required to replant one acre of trees for every acre paid in fees. The current fees, however, are too low to cover the full cost of replanting, leaving taxpayers to make up the difference. The bill remedies this problem by raising the fees to reflect replanting costs and the true value of the services—like water filtration—that are lost when forests are cleared.

# Where Forest Conservation Works: Carroll County

In 1992, Carroll County worked to put in place stronger protections for its local forests than the state's 1991 Forest Conservation Act. It faced sharp criticism from developers, who opposed the measure despite them being included on a special committee formed to address concerns. After serving on the committee, a representative of the Home Builders Association of Maryland at the time told *The Baltimore Sun*, "Our organization believes this [ordinance] is far too inflexible and far too expensive."<sup>19</sup> Nevertheless, the ordinance passed.

Since then, Carroll County has become Maryland's leader in forest conservation. The county's ordinance generally requires an acre of forest to be replanted for each acre cleared, does not allow developers to pay a fee instead of replanting, and uses a market system, known as a forest mitigation bank, that encourages cost-effective reforestation.<sup>20</sup> The EPA's Chesapeake Bay Program estimates Carroll has added 851 acres of forest from 2010 to 2017. During that same period, Anne Arundel County lost about 2,775 acres of forest.

**Carroll's policy has not stopped housing growth in the county, according to U.S. Census housing data**

Year	Total housing units	Total increase
1980	32,115	--
1990	43,553	11,438
2000	54,260	10,707
2010	62,406	8,146

# Putting the Forest Conservation Bill to the Test: Case Studies

The following examples illustrate how the Forest Conservation Bill would significantly strengthen protections for Anne Arundel County forests, while still allowing for development and growth. The first is a real-world example of a development that occurred within the past decade. The second outlines a series of potential development scenarios and how the bill would be applied in comparison to current law.

## Parkside Executive Townhomes, Hanover, Maryland

Forests originally covered 182 acres of the 225-acre development site, which lies just east of the Baltimore-Washington Parkway south of Hanover. The development cleared 135 acres.

### Clearing allowed without replanting\*

- **Current law:** 118 acres
- **Forest Conservation Bill:** 23.24 acres

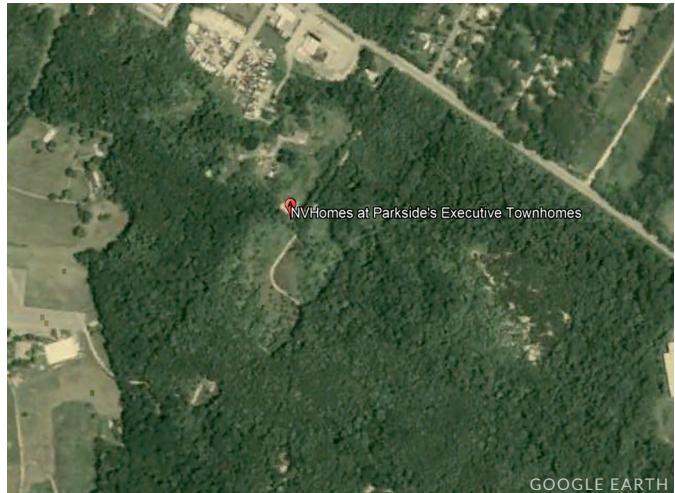
\*For a site equal in size, zoning, and original forest cover.

### Replanting requirements\*

- **Current law:** 21 acres—resulting in a net loss of 114 acres.
- **Forest Conservation Bill\*:** 200 acres—resulting in a net gain of 65 acres.

\*Assuming the development followed the same plans. If the bill had been in place at the time, the developer may have adjusted design plans to minimize forest loss in the first place.

Site of Hanover, Maryland Parkside Executive Townhomes, 2010 (left) and 2018 (right)



## Development Scenarios

These scenarios compare how much forest developers could clear without triggering replanting requirements. “Difference” represents the difference between this “break even point” under current law and the proposed bill.

Scenario: Developing three single-family homes on 15 acres of forested land	
Current law <sup>21</sup>	6 acres of forest could be cleared without any replanting required.
Forest Conservation Bill <sup>22</sup>	4.2 acres of forest could be cleared without replanting.
Difference	1.8 acres

Scenario: Developing a small subdivision with 15 houses on 20 acres of forested land	
Current law	12 acres of forest could be cleared without any replanting required.
Forest Conservation Bill	8 acres of forest could be cleared without replanting.
Difference	4 acres

Scenario: Developing a large subdivision of 250 townhomes on 100 acres of forested land	
Current law	64 acres of forest could be cleared without any replanting required.
Forest Conservation Bill	23.3 acres of forest could be cleared without replanting.
Difference	40.7 acres

Scenario: Developing a shopping center on 20 acres of forested land	
Current law	13.6 acres of forest could be cleared without any replanting required.
Forest Conservation Bill	9.3 acres of forest could be cleared without replanting.
Difference	4.3 acres

## Taking Action, Leading on Forests

The facts are simple. Anne Arundel County is losing its forests. Voters want action. Without it, the status quo will lead to the loss of more forest and the degradation of local water quality and quality of life. As the county grows, the Forest Conservation Bill will ensure that development does not come at the expense of green spaces, wildlife habitat, and the many other benefits trees provide. County Council members have an opportunity to once again position Anne Arundel County as a leader in forest conservation and protect the resources that attract people to live and work here for generations to come.

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