

Maryland Forest Conservation Act Fee-in-Lieu Comparisons

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According to a 2017 report from the Maryland Department of Legislative Services, in fiscal year 2017, the State of Maryland did not collect any fee-in-lieu funds for state projects where the Maryland Forest Conservation Act (FCA) applied. In fiscal year 2016, the latest year for which county and municipal figures are available, Maryland counties collected a total of approximately \$2.55 million in fees-in-lieu and spent a total of approximately \$980,000 of these funds. Maryland municipalities collected approximately \$397,000 in fees-in-lieu and spent approximately \$10,000 of these funds.

Comparisons

Many jurisdictions have maintained the minimum fee-in-lieu required by the State, which is currently \$0.305/per square foot within a Priority Funding Area (PFA) and \$0.366/per square foot outside of a PFA. (NOTE: Industry professionals agree that the state mandated fee-in-lieu is insufficient. It was established in 1991 and only increased incrementally with inflation.) Comparisons of the Annapolis fee-in-lieu to the fees-in-lieu of many Maryland counties are not useful due to the large amount of undeveloped land in these counties versus the very small area of undeveloped land remaining within Annapolis city limits. The jurisdictions that do not accept fee-in-lieu payments have plenty of open land available to meet their off-site reforestation and afforestation requirements.

The City of Rockville is a larger city than Annapolis but closer than other Maryland jurisdictions in terms of undeveloped land and local economies. Rockville's population was 68,401 in 2017 and measures approximately 13.5 square miles. Annapolis had a population of 39,321 in 2017 and measures 7.2 square miles.

Jurisdictions that have increased their fees beyond the state minimum include:

- City of Rockville- \$5.00 per sq. ft.. (13.5 sq. mi.)
- City of Annapolis- \$10.00 per sq. ft.. inside PFAs, \$12.00 per sq. ft. outside PFAs (7.2 sq. mi..)
- Montgomery County- \$1.20 per sq. ft.. (507 sq. mi.)
- Anne Arundel County- \$0.40 per sq. ft. inside PFAs, \$0.50 per sq. ft. outside PFAs (588 sq. mi.)
- Prince George's County- \$0.90 per sq. ft. inside PFAs, \$1.08 per sq. ft. outside PFAs (499 sq. mi.)
- Baltimore County- \$0.40 per sq. ft. (682 sq. mi.)
- Frederick County- \$0.43 per sq. ft. inside PFAs, \$0.54 per sq. ft. outside PFAs (667 sq. mi.)
- Town of Bel Air- \$0.40 per sq. ft. (3.03 sq. mi.)
- City of Aberdeen- \$0.75 per sq. ft. inside PFAs, \$0.90 per sq. ft. outside PFAs (6.81 sq. mi.)

Jurisdictions at the State minimum include:

- Baltimore City (92.28 sq. mi.) *NOTE: Baltimore reduced the size of units of land to which the FCA applies to 20,000 square feet in order to scale the FCA to an urban setting.*
- City of Frederick (22.2 sq. mi.) *NOTE: Frederick is working currently on increasing its fee-in-lieu particularly to cover maintenance and inspection costs as well as to act as a deterrent to tree removal.*
- Charles County (643 sq. mi.)
- Cecil County (418 sq. mi.)
- Caroline County (319 sq. mi.)
- Howard County (253 sq. mi.)

Jurisdictions that do not accept a fee-in-lieu:

- Harford County (527 sq. mi.)
- Carroll County (453 sq. mi.)
- Dorchester County (983 sq. mi.)