

**SB0610/994034/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 610  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 4 down through “authority” in line 13 and substitute “providing that a municipality may accomplish certain off-site afforestation or reforestation outside its boundaries through an agreement with a county; altering which trees, shrubs, plants, and specific areas shall be considered priority for retention and protection and shall be left undisturbed except under certain circumstances; authorizing State and local authorities to approve certain clearing if the authority affirms a written justification from an applicant stating certain reasons for the clearing; providing that money deposited in a certain fund may be spent on certain reasonable costs of the local jurisdiction subject to a certain exception”; in line 18, after “Council” insert “and representatives from certain entities and communities”; in line 20, strike beginning with “defining” through the second semicolon and substitute “providing for the application of this Act;”; and in line 25, strike “5-1601(a), 5-1608(b),” and substitute “5-1608(a) and (b)”.

On page 2, in line 3, strike “5-1601(ff-1),”; in the same line, strike the second comma; in line 8, strike “5-1608(a)” and substitute “5-1607(a) and (c)”; and strike in their entirety lines 11 through 16, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 20 on page 2 through line 21 on page 3, inclusive.

On page 5, after line 33, insert:

(Over)

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“(a) The preferred sequence for afforestation and reforestation shall be established by the State or local authority in accordance with the following after all techniques for retaining existing forest cover on-site have been exhausted:

(1) Those techniques that enhance existing forest and involve selective clearing or supplemental planting on-site;

(2) On-site afforestation or reforestation may be utilized where the retention options have been exhausted. In those cases, the method shall be selected in accordance with subsection (b) of this section, and the location shall be selected in accordance with subsection (d) of this section;

(3) (i) Off-site afforestation or reforestation in the same watershed or in accordance with an approved master plan may be utilized where the applicant has demonstrated that no reasonable on-site alternative exists, or where:

1. Any on-site priority areas for afforestation or reforestation have been planted in accordance with subsection (d) of this section; and

2. The applicant has justified to the satisfaction of the State or local jurisdiction that environmental benefits associated with off-site afforestation or reforestation would exceed those derived from on-site planting;

(ii) In these cases, the method shall be selected in accordance with subsection (b) of this section, and the location shall be selected in accordance with subsection (d) of this section; and

(iii) Off-site afforestation or reforestation may include the use of forest mitigation banks which have been so designated in advance by the State or local forest conservation program which is approved by the Department; [and]

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**(4) A MUNICIPALITY MAY ACCOMPLISH OFF-SITE AFFORESTATION OR REFORESTATION OUTSIDE THE MUNICIPALITY'S BOUNDARIES THROUGH AN AGREEMENT WITH A COUNTY; AND**

**[(4)](5) The State or local jurisdiction may allow an alternative sequence for a specific project if necessary to achieve the objectives of a local jurisdiction's land use plans or policies or to take advantage of opportunities to consolidate forest conservation efforts.**

On page 6, in line 1, strike “(I)”; in the same line, strike the bracket; in line 4, after “authority” insert “**IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION**”; in line 7, after “their” insert “**100-FOOT**”; in line 8, strike “and”; in line 9, after “forest” insert “**OF 20 ACRES OR GREATER**”; in line 10, strike the period and substitute a semicolon; strike in their entirety lines 11 through 14, inclusive; after line 14, insert:

**“(III) OTHER CONTIGUOUS FOREST IDENTIFIED BY THE STATE OR LOCAL AUTHORITY AS A PRIORITY IN THE FOREST STAND DELINEATION REQUIRED UNDER THIS SUBTITLE;”**;

in line 15, strike “(i)” and substitute “**(IV)**”; in line 17, strike “(ii) Trees” and substitute “**(V) AS DESIGNATED BY THE DEPARTMENT OR LOCAL AUTHORITY, TREES**”; in line 20, strike “(iii)” and substitute “**(VI)**”; and in the same line, after “Trees” insert “**IN GOOD CONDITION OR BETTER AND**”.

On pages 6 and 7, strike beginning with the bracket in line 25 on page 6 down through “SITE” in line 20 on page 7; and after line 20, insert:

**“(2) THE STATE OR LOCAL AUTHORITY MAY APPROVE CLEARING OF TREES, SHRUBS, PLANTS, AND FOREST COVER IDENTIFIED AS A PRIORITY UNDER**

(Over)

THIS SECTION IF THE AUTHORITY AFFIRMS A WRITTEN JUSTIFICATION FROM THE APPLICANT STATING THE REASONS THAT:

(I) PUBLIC HEALTH OR SAFETY WOULD BE COMPROMISED;

(II) THE CLEARING IS NECESSARY TO FACILITATE A STREAM RESTORATION PROJECT; OR

(III) ALL OF THE FOLLOWING APPLY:

1. FOREST CONSERVATION BEST PRACTICES HAVE BEEN EXHAUSTED, INCLUDING CLUSTER DEVELOPMENT DESIGN AND SHARED DRIVEWAYS;

2. IN A PRIORITY FUNDING AREA AS DEFINED IN § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE DEVELOPMENT PROJECT COULD NOT OTHERWISE ATTAIN THE DENSITY OR INTENSITY OF A USE PERMITTED BY THE ZONING FOR THE SITE;

3. CRITICAL TRANSPORTATION OR UTILITY INFRASTRUCTURE CANNOT BE RELOCATED;

4. SELECTIVE CLEARING AND GRADING OF THE SITE IS NOT FEASIBLE; AND

5. APPLICATIONS FOR LOCAL VARIANCES TO OTHER SITE DEVELOPMENT LAWS OR REGULATIONS ARE UNLIKELY TO SATISFY THE BURDEN OF APPROVAL.

**(3) A STATE OR LOCAL AUTHORITY MAY NOT AFFIRM A WRITTEN JUSTIFICATION UNDER THIS SUBSECTION BASED SOLELY ON COST.**

On page 7, in lines 23 and 24, strike “SKETCH OR CONCEPT PLANS, SITE DEVELOPMENT PLANS, OR PRELIMINARY REVIEW PLANS,”; in line 24, strike the brackets; in the same line, strike “PLANS”; in line 25, strike the brackets; and in the same line, strike “PERMITS”.

On page 9, in line 5, strike “reforestation” and substitute “:

**1. REFORESTATION**;

and in line 8, after “fund” insert “;AND

**2. THE REASONABLE COSTS OF THE LOCAL JURISDICTION, NOT TO EXCEED 15% OF THE FUNDS DEPOSITED INTO THE SEPARATE ACCOUNT, TO:**

**A. IMPLEMENT AN EDUCATION AND OUTREACH PROGRAM TO LOCATE THE AREAS OF PUBLIC OR PRIVATE PROPERTY SUITABLE FOR REPLANTING EFFORTS;**

**B. DEVELOP, EXECUTE, AND RECORD AGREEMENTS WITH LANDOWNERS;**

**C. MANAGE CONTRACTORS, CONSULTANTS, OR VOLUNTEERS FOR INSPECTIONS AND SERVICES RELATED TO AFFORESTATION AND REFORESTATION ACTIVITIES; AND**

(Over)

**D. SUPPORT A LICENSED TREE EXPERT, AS DEFINED  
IN § 5-415 OF THIS TITLE, OR A QUALIFIED PROFESSIONAL TO CARRY OUT THE  
DUTIES ENUMERATED UNDER THIS SECTION**".

On page 10, in line 10, after "Council" insert "and representatives from local government, the environmental community, and the development community"; after line 13, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively to projects with preliminary plan approval or site plan approval on or after the effective date of this Act and may not be applied or interpreted to have any effect on or application to projects with preliminary plan approval or site plan approval before the effective date of this Act."

and in line 14, strike "3." and substitute "4.".