
By: **Delegates Bates and Miller**

Introduced and read first time: February 9, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Forest Conservation - Application**

3 FOR the purpose of clarifying that certain construction activities undertaken for
4 residential, institutional, or nonprofit uses on certain lots are exempt from
5 certain forest conservation requirements; and generally relating to forest
6 conservation.

7 BY repealing and reenacting, without amendments,
8 Article - Natural Resources
9 Section 5-1602(a)
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 5-1602(b)
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2004 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Natural Resources**

20 5-1602.

21 (a) Except as provided in subsection (b) of this section, this subtitle shall apply
22 to any public or private subdivision plan or application for a grading or sediment
23 control permit by any person, including a unit of State or local government on areas
24 40,000 square feet or greater.

25 (b) The provisions of this subtitle do not apply to:

26 (1) Any construction activity that is subject to § 5-103 of this title;

1 (2) Any cutting or clearing of forest in areas governed by the Chesapeake
2 Bay Critical Area Protection Law (Title 8, Subtitle 18 of this article);

3 (3) Commercial logging and timber harvesting operations, including any
4 harvesting conducted under the forest conservation and management program under
5 § 8-211 of the Tax - Property Article;

6 (i) That were completed before July 1, 1991; or

7 (ii) That were completed on or after July 1, 1991 on property that is
8 not the subject of an application for a grading permit for development within 5 years
9 after the logging or harvesting operation. However, after this 5-year period, the
10 property shall be subject to this subtitle;

11 (4) Any agricultural activity that does not result in a change in land use
12 category, including agricultural support buildings and other related structures built
13 using accepted best management practices;

14 (5) The cutting or clearing of public utility rights-of-way or land for
15 electric generating stations licensed pursuant to § 7-204, § 7-205 , § 7-207, or §
16 7-208 of the Public Utility Companies Article, provided that:

17 (i) Any required certificates of public convenience and necessity
18 have been issued in accordance with § 5-1603(f) of this subtitle; and

19 (ii) The cutting or clearing of the forest is conducted so as to
20 minimize the loss of forest;

21 (6) Any routine maintenance of public utility rights-of-way;

22 (7) Any activity, INCLUDING ANY CONSTRUCTION ACTIVITY
23 UNDERTAKEN FOR RESIDENTIAL, INSTITUTIONAL, OR NONPROFIT USE, THAT IS
24 conducted on a single lot of any size or a linear project provided that:

25 (i) The activity does not result in the cutting, clearing, or grading
26 of more than 40,000 square feet of forest; and

27 (ii) The activity on the lot or linear project will not result in the
28 cutting, clearing, or grading of any forest that is subject to the requirements of a
29 previous forest conservation plan prepared under this subtitle;

30 (8) Any strip or deep mining of coal regulated under Title 15, Subtitle 5
31 or 6 of the Environment Article and any noncoal surface mining regulated under Title
32 15, Subtitle 8 of the Environment Article;

33 (9) Any activity required for the purpose of constructing a dwelling
34 house intended for the use of the owner, or a child or grandchild of the owner, if the
35 activity does not result in the cutting, clearing, or grading of more than 40,000 square
36 feet of forest;

1 (10) A county that has and maintains 200,000 acres or more of its land
2 area in forest cover; and

3 (11) The cutting or clearing of trees to comply with the requirements of 14
4 C.F.R. § 77.25 relating to objects affecting navigable airspace, provided that the
5 Federal Aviation Administration has determined that the trees are a hazard to
6 aviation.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2005.