

SENATE BILL 564

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By: **Senator Brinkley**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Forest Conservation Act – Application to Public School**
3 **Property**

4 FOR the purpose of establishing that the State Forest Conservation Act does not apply
5 to activity on land owned or leased for use by the Frederick County public school
6 system if the Frederick County Board of Education makes a certain written
7 determination; and generally relating to the application of the State Forest
8 Conservation Act to activity on land owned or leased for use by the Frederick
9 County public school system.

10 BY repealing and reenacting, without amendments,
11 Article – Natural Resources
12 Section 5–1602(a) and 5–1603(a)(1)
13 Annotated Code of Maryland
14 (2012 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 5–1602(b)
18 Annotated Code of Maryland
19 (2012 Replacement Volume)

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

22 **Article – Natural Resources**

23 5–1602.

24 (a) Except as provided in subsection (b) of this section, this subtitle shall
25 apply to any public or private subdivision plan or application for a grading or sediment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 control permit by any person, including a unit of State or local government on areas
2 40,000 square feet or greater.

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

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

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

7 (3) Commercial logging and timber harvesting operations, including
8 any harvesting conducted under the forest conservation and management program
9 under § 8–211 of the Tax – Property Article:

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

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

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

18 (5) The cutting or clearing of public utility rights–of–way or land for
19 electric generating stations licensed pursuant to § 7–204, § 7–205, § 7–207, or § 7–208
20 of the Public Utilities Article, provided that:

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

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

25 (6) Any routine maintenance of public utility rights–of–way;

26 (7) Any activity conducted on a single lot of any size or a linear project
27 provided that:

28 (i) The activity does not result in the cutting, clearing, or
29 grading of more than 20,000 square feet of forest; and

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

1 (8) Any strip or deep mining of coal regulated under Title 15, Subtitle
2 5 or Subtitle 6 of the Environment Article and any noncoal surface mining regulated
3 under Title 15, Subtitle 8 of the Environment Article;

4 (9) Any activity required for the purpose of constructing a dwelling
5 house intended for the use of the owner, or a child of the owner, if the activity does not
6 result in the cutting, clearing, or grading of more than 20,000 square feet of forest;

7 (10) A county that has and maintains 200,000 acres or more of its land
8 area in forest cover; [and]

9 **(11) ANY ACTIVITY ON LAND OWNED OR LEASED FOR USE BY THE**
10 **FREDERICK COUNTY PUBLIC SCHOOL SYSTEM, IF THE FREDERICK COUNTY**
11 **BOARD OF EDUCATION DETERMINES IN WRITING THAT THE ACTIVITY**
12 **ENHANCES PUBLIC SAFETY BY ELIMINATING PHYSICAL BARRIERS TO THE**
13 **VISIBILITY TO SCHOOL PERSONNEL OF STUDENTS AND OTHER INDIVIDUALS;**
14 **AND**

15 ~~[(11)]~~ **(12)** The cutting or clearing of trees to comply with the
16 requirements of 14 C.F.R. § 77.25 relating to objects affecting navigable airspace,
17 provided that the Federal Aviation Administration has determined that the trees are a
18 hazard to aviation.

19 5-1603.

20 (a) (1) A unit of local government having planning and zoning authority
21 shall develop a local forest conservation program, consistent with the intent,
22 requirements, and standards of this subtitle.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2013.