

HOUSE BILL 617

M1

7lr2172
CF SB 29

By: **Delegates Healey, B. Barnes, Carr, Fraser-Hidalgo, Frush, Gilchrist, Lafferty, and Robinson**

Introduced and read first time: January 30, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Forest Conservation Act – Forest Conservation Thresholds**
3 **and Afforestation and Reforestation Requirements**

4 FOR the purpose of clarifying the authority of certain units of local government to adopt
5 certain forest conservation thresholds and afforestation and reforestation
6 requirements that are more stringent than certain forest conservation thresholds
7 and reforestation requirements in State law; and generally relating to forest
8 conservation thresholds and afforestation and reforestation requirements under the
9 Forest Conservation Act.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 5–1606
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2016 Supplement)

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

17 **Article – Natural Resources**

18 5–1606.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) For the following land use categories, tracts having less than 20% of the
2 net tract area in forest cover shall be afforested up to 20% of the net tract area:

3 (i) Agriculture and resource areas; and

4 (ii) Medium density residential areas.

5 (2) For the following land use categories, tracts having less than 15% of the
6 net tract area in forest cover shall be afforested up to 15% of the net tract area:

7 (i) Institutional development areas;

8 (ii) High density residential areas;

9 (iii) Mixed use and planned unit development areas; and

10 (iv) Commercial and industrial use areas.

11 (3) Afforestation requirements must conform to the conditions in §§ 5-1607
12 and 5-1610 of this subtitle, including payment into the Forest Conservation Fund, if
13 afforestation on-site or off-site cannot be reasonably accomplished.

14 (4) (i) The afforestation requirements under this subsection shall be
15 accomplished within 1 year or 2 growing seasons after the completion of the development
16 project.

17 (ii) If afforestation cannot be reasonably accomplished on-site or
18 off-site, the requirement to contribute money to a Forest Conservation Fund under §
19 5-1610 of this subtitle shall be met within 90 days after the completion of the development
20 project.

21 (5) Linear projects that involve no change in land use may not be subject
22 to afforestation requirements.

23 (b) There is a forest conservation threshold established for all land use categories
24 as provided in subsection (c) of this section. The forest conservation threshold means the
25 percentage of the net tract area at which the reforestation requirement changes from a
26 ratio of 1/4 acre planted for every 1 acre removed to a ratio of 2 acres planted for every 1
27 acre removed.

28 (c) After every reasonable effort to minimize the cutting or clearing of trees and
29 other woody plants is exhausted in the development of a subdivision plan and grading and
30 sediment control activities and implementation of the forest conservation plan, the forest
31 conservation plan shall provide for reforestation, or payment into the Forest Conservation
32 Fund, according to the formula set forth in subsection (b) of this section and consistent with
33 the following forest conservation thresholds for the applicable land use category:

- 1 (1) Agricultural and resource areas: 50% of net tract area;
- 2 (2) Medium density residential areas: 25% of net tract area;
- 3 (3) Institutional development areas: 20% of net tract area;
- 4 (4) High density residential areas: 20% of net tract area;
- 5 (5) Mixed use and planned unit development areas: 15% of net tract area;
- 6 and
- 7 (6) Commercial and industrial use areas: 15% of net tract area.

8 (d) (1) Subject to the provisions of paragraph (2) of this subsection, for all
9 existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above
10 the applicable forest conservation threshold, the area of forest removed shall be reforested
11 at a ratio of 1/4 acre planted for every 1 acre removed.

12 (2) Each acre of forest retained on the net tract area above the applicable
13 forest conservation threshold shall be credited against the total number of acres required
14 to be reforested under paragraph (1) of this subsection.

15 (e) For all existing forest cover measured to the nearest 1/10 acre cleared on the
16 net tract area below the applicable forest conservation threshold, the area of forest removed
17 shall be reforested at a ratio of 2 acres planted for every 1 acre removed.

18 (f) (1) The reforestation requirements under this section shall be
19 accomplished within 1 year or 2 growing seasons after completion of the development
20 project.

21 (2) If reforestation cannot be reasonably accomplished on-site or off-site,
22 the requirement to contribute money to a Forest Conservation Fund under § 5-1610 of this
23 subtitle shall be met within 90 days after completion of the development project.

24 **(G) A UNIT OF LOCAL GOVERNMENT WITH PLANNING AND ZONING**
25 **AUTHORITY MAY ADOPT FOREST CONSERVATION THRESHOLDS AND**
26 **AFFORESTATION AND REFORESTATION REQUIREMENTS AS PART OF ITS LOCAL**
27 **FOREST CONSERVATION PROGRAM THAT ARE MORE STRINGENT THAN THE FOREST**
28 **CONSERVATION THRESHOLDS AND AFFORESTATION AND REFORESTATION**
29 **REQUIREMENTS IN THIS SECTION.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
31 1, 2017.