

# SENATE BILL 365

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7lr2384  
CF 7lr2187

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By: **Senators Young, Conway, Madaleno, Manno, Nathan–Pulliam, and Pinsky**  
Introduced and read first time: January 26, 2017  
Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Forest Conservation Act – Exemption, Reforestation Rate, and Forest**  
3 **Conservation Fund – Alterations**

4 FOR the purpose of altering the exemption from the application of the Forest Conservation  
5 Act for the cutting or clearing of public utility rights-of-way or land for certain  
6 electric generating stations; increasing the acreage that must be planted in order to  
7 meet the reforestation requirement under the Act; authorizing a certain increase in  
8 the rate that is paid to the Forest Conservation Fund in lieu of meeting certain  
9 reforestation or afforestation requirements; making a stylistic change; and generally  
10 relating to the Forest Conservation Act.

11 BY repealing and reenacting, without amendments,  
12 Article – Natural Resources  
13 Section 5–1602(a)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Natural Resources  
18 Section 5–1602(b)(5), 5–1606(b) and (d), and 5–1610(c)  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2016 Supplement)

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

23 **Article – Natural Resources**

24 5–1602.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



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

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

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

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

11 (ii) The cutting or clearing of the forest is conducted so as to  
12 minimize the loss of forest; **AND**

13 **(III) THE CUTTING OR CLEARING OF THE FOREST DOES NOT**  
14 **RESULT IN THE CUTTING, CLEARING, OR GRADING OF MORE THAN 1 ACRE OF**  
15 **FOREST;**

16 5-1606.

17 (b) **(1)** There is a forest conservation threshold established for all land use  
18 categories as provided in subsection (c) of this section.

19 **(2)** The forest conservation threshold means the percentage of the net tract  
20 area at which the reforestation requirement changes from a ratio of **[1/4] 1** acre planted for  
21 every 1 acre removed to a ratio of 2 acres planted for every 1 acre removed.

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

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

29 5-1610.

30 (c) **(1)** Except as provided in subsection (h) of this section, if any person subject  
31 to this subtitle demonstrates to the satisfaction of the appropriate State or local authority  
32 that the requirements for reforestation or afforestation on-site or off-site cannot be  
33 reasonably accomplished, the person shall contribute money to the Fund:

1           **[(1) (I)]**       On or before September 30, 2014:

2                       **[(i)] 1.**       For a project inside a priority funding area, at a rate of 30  
3 cents per square foot of the area of required planting; and

4                       **[(ii)] 2.**       For a project outside a priority funding area, at a rate of  
5 36 cents per square foot of the area of required planting; and

6           **[(2) After] (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**  
7 **AFTER** September 30, 2014:

8                       **[(i)] 1.**       For a project inside a priority funding area, at a rate  
9 adjusted for inflation as determined by the Department annually by regulation; and

10                      **[(ii)] 2.**       For a project outside a priority funding area, at a rate that  
11 is 20% higher than the rate set under item **[(2)(i)] 1** of this **[subsection] ITEM.**

12                      **(2) THE RATES ESTABLISHED UNDER PARAGRAPH (1)(II) OF THIS**  
13 **SUBSECTION MAY BE INCREASED BY 20% FOR EACH ACRE FOR WHICH MONEY IS**  
14 **CONTRIBUTED TO THE FUND IN LIEU OF MEETING THE REQUIREMENTS FOR**  
15 **REFORESTATION OR AFFORESTATION.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2017.