

Chapter 339

(House Bill 884)

AN ACT concerning

State Conservation Land – Old-Growth Forests – ~~Protection~~ Management

FOR the purpose of ~~establishing protections for old-growth forests located on State conservation land~~ requiring the Department of Natural Resources to manage certain State conservation land in a certain manner under certain circumstances; *providing that nothing in this Act may be interpreted to prohibit the Department from taking certain actions to protect old-growth forest from certain harms subject to certain conditions*; and generally relating to old-growth forests.

BY adding to

Article – Natural Resources
Section 1-406
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, The State of Maryland recognizes the unique cultural and ecological benefits of preserving old-growth forests; and

WHEREAS, At present, many of the old-growth forests located on land preserved under the State’s land conservation programs lack formal protection; now, therefore,

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

Article – Natural Resources

1-406.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “OLD-GROWTH FOREST” MEANS A FOREST:

(I) AT LEAST 5 ACRES IN SIZE WITH A PREPONDERANCE OF OLD TREES, OF WHICH THE OLDEST EXCEED AT LEAST HALF THE PROJECTED MAXIMUM ATTAINABLE AGE FOR THE SPECIES; AND

(II) THAT EXHIBITS SEVERAL OF THE FOLLOWING CHARACTERISTICS:

1. SHADE-TOLERANT SPECIES ARE PRESENT IN ALL AGE AND SIZE CLASSES;
2. RANDOMLY DISTRIBUTED CANOPY GAPS ARE PRESENT;
3. A HIGH DEGREE OF STRUCTURAL DIVERSITY CHARACTERIZED BY MULTIPLE GROWTH LAYERS REFLECTING A BROAD SPECTRUM OF AGES IS PRESENT;
4. AN ACCUMULATION OF DEAD WOOD OF VARYING SIZES AND STAGES OF DECOMPOSITION ACCOMPANIED BY DECADENCE IN LIVE DOMINANT TREES IS PRESENT; AND
5. PIT AND MOUND TOPOGRAPHY CAN BE OBSERVED.

(3) ~~(I) "STATE CONSERVATION LAND" MEANS LAND THAT IS PROTECTED UNDER A LAND CONSERVATION PROGRAM ADMINISTERED BY THE DEPARTMENT OR THE MARYLAND ENVIRONMENTAL TRUST.~~

~~(II) "STATE CONSERVATION LAND" INCLUDES~~ MEANS:

- ~~1. (I) STATE PARKS; AND~~
- ~~2. STATE FOREST RESERVES;~~
- ~~3. (II) WILDLIFE MANAGEMENT AREAS; AND~~
- ~~(III) NATURAL RESOURCES MANAGEMENT AREAS;~~
- ~~4. NATURAL RESOURCES MANAGEMENT AREAS;~~
- ~~5. STATE WILDLANDS; AND~~
- ~~6. LAND SUBJECT TO A CONSERVATION EASEMENT;~~
- ~~A. WITHIN A DESIGNATED RURAL LEGACY AREA;~~
- ~~B. HELD BY THE MARYLAND ENVIRONMENTAL TRUST;~~

OR

~~C. FUNDED UNDER PROGRAM OPEN SPACE.~~

~~(B) WHENEVER THE DEPARTMENT OR THE MARYLAND ENVIRONMENTAL TRUST IDENTIFIES AN OLD-GROWTH FOREST ON STATE CONSERVATION LAND, THE LAND SHALL BE MANAGED IN A MANNER THAT: PROHIBITS LOGGING.~~

~~(1) MINIMIZES DISTURBANCE TO THE OLD GROWTH FOREST;~~

~~(2) PRIORITIZES PASSIVE RECREATIONAL OPPORTUNITIES;~~

~~(3) PROHIBITS LOGGING OR THE CONSTRUCTION OF PUBLIC AMENITIES WITHIN THE OLD GROWTH FOREST; AND~~

~~(4) MINIMIZES RISKS TO THE OLD GROWTH FOREST POSED BY DISEASE AND INVASIVE SPECIES.~~

(C) NOTHING IN THIS SECTION MAY BE INTERPRETED TO PROHIBIT THE DEPARTMENT FROM TAKING ACTIONS TO PROTECT OLD-GROWTH FOREST FROM FIRE, ANIMALS, INSECTS, DISEASE, AND EROSION IN A MANNER THAT HAS MINIMAL ADVERSE EFFECTS ON THE ECOSYSTEM AND SUBJECT TO CONDITIONS THE SECRETARY CONSIDERS NECESSARY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Approved by the Governor, May 12, 2022.