
By: Western Maryland Delegation

Introduced and read first time: February 8, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1996

CHAPTER ____

1 AN ACT concerning

2 **Carroll, Frederick, and Washington Counties - Forest Conservation Act -Limited**

3 **Exemption**

4 [TAG ftpo]FOR the purpose of exempting land classified in a certain manner as of a certain date in

5 Carroll, Frederick, and Washington Counties from the requirements of the Forest

6 Conservation Act.

7 BY repealing and reenacting, with amendments,

8 Article - Natural Resources

9 Section 5-1602

10 Annotated Code of Maryland

11 (1989 Replacement Volume and 1995 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Natural Resources**

15 5-1602.

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

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

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

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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 after
9 the logging or harvesting operation. However, after this 5-year period, the property shall
10 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 using
13 accepted best management practices;

14 (5) The cutting or clearing of public utility rights-of-way or land for electric
15 generating stations licensed pursuant to §§ 54A and 54B or § 54-I of Article 78 of the
16 Code, provided that:

17 (i) Any required certificates of public convenience and necessity have
18 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 minimize
20 the loss of forest;

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

22 (7) Any activity conducted on a single lot of any size provided that:

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

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

28 (8) Any strip or deep mining of coal regulated under Title 15, Subtitle 5 or
29 6 of the Environment Article and any noncoal surface mining regulated under Title 15,
30 Subtitle 8 of the Environment Article;

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

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

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

HOUSE BILL 1123

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1 (12) IN CARROLL COUNTY, FREDERICK COUNTY, OR WASHINGTON
2 COUNTY, ANY LAND CLASSIFIED IN A COMMERCIAL OR INDUSTRIAL ZONING
3 DISTRICT AS OF JANUARY 1, 1996.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1996.