
By: Senator Derr (Frederick County Delegation)

Introduced and read first time: January 31, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Forest Conservation Act - Exemption**

3 FOR the purpose of exempting from the Forest Conservation Act a county that has and
4 maintains a certain number of acres of its land area in forest cover and a certain
5 percentage of its land area in areas zoned as agricultural and resource areas.

6 BY repealing and reenacting, with amendments,
7 Article - Natural Resources
8 Section 5-1602
9 Annotated Code of Maryland
10 (1989 Replacement Volume and 1995 Supplement)

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

13 **Article - Natural Resources**

14 5-1602.

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

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

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

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

23 (3) Commercial logging and timber harvesting operations, including any
24 harvesting conducted under the forest conservation and management program under §
25 8-211 of the Tax - Property Article:

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

27 (ii) That were completed on or after July 1, 1991 on property that is
28 not the subject of an application for a grading permit for development within 5 years after

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1 the logging or harvesting operation. However, after this 5-year period, the property shall
2 be subject to this subtitle;

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

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

9 (i) Any required certificates of public convenience and necessity have
10 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 minimize
12 the loss of forest;

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

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

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

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

20 (8) Any strip or deep mining of coal regulated under Title 15, Subtitle 5 or
21 6 of the Environment Article and any noncoal surface mining regulated under Title 15,
22 Subtitle 8 of the Environment Article;

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

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

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

32 (12) A COUNTY THAT HAS AND MAINTAINS 100,000 ACRES OR MORE OF
33 ITS LAND AREA IN FOREST COVER AND 60% OR MORE OF ITS LAND AREA IN AREAS
34 ZONED AS AGRICULTURAL AND RESOURCE AREAS.

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