
By: Senator Haines (Carroll County Delegation)

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Forest Conservation - Declaration of Intent**

3 FOR the purpose of allowing a certain approving authority in Carroll County to waive the
4 requirement that certain persons seeking a certain exemption from the Forest
5 Conservation Act file a certain declaration of intent; defining certain terms; and
6 generally relating to the authority to waive a certain requirement in Carroll County
7 relating to the Forest Conservation Act.

8 BY repealing and reenacting, without amendments,
9 Article - Natural Resources
10 Section 5-1602(a) and (b)(3)
11 Annotated Code of Maryland
12 (1989 Replacement Volume and 1995 Supplement)

13 BY adding to
14 Article - Natural Resources
15 Section 5-1602.1
16 Annotated Code of Maryland
17 (1989 Replacement Volume and 1995 Supplement)

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

20 **Article - Natural Resources**

21 5-1602.

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

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

27 (3) Commercial logging and timber harvesting operations, including any
28 harvesting conducted under the forest conservation and management program under §
29 8-211 of the Tax - Property Article:

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

2 (ii) That were completed on or after July 1, 1991 on property that is
3 not the subject of an application for a grading permit for development within 5 years after
4 the logging or harvesting operation. However, after this 5-year period, the property shall
5 be subject to this subtitle;

6 5-1602.1.

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

9 (2) "APPROVING AUTHORITY" MEANS THE UNIT OF GOVERNMENT IN
10 CARROLL COUNTY RESPONSIBLE FOR REVIEWING SUBDIVISION, PROJECT,
11 GRADING, OR SEDIMENT CONTROL PLANS WITHIN THE COUNTY.

12 (3) "DECLARATION OF INTENT" MEANS A SIGNED, NOTARIZED
13 STATEMENT OF A LANDOWNER OR THE LANDOWNER'S AGENT CERTIFYING THAT
14 THE ACTIVITY ON THE LANDOWNER'S PROPERTY IS AN EXEMPT ACTIVITY AS
15 PROVIDED IN § 5-1602(B) OF THIS SUBTITLE.

16 (B) IN CARROLL COUNTY, THE APPROVING AUTHORITY MAY WAIVE THE
17 REQUIREMENT THAT A PERSON SEEKING THE COMMERCIAL LOGGING AND TIMBER
18 HARVESTING EXEMPTION UNDER § 5-1602(B)(3) OF THIS SUBTITLE FILE A
19 DECLARATION OF INTENT WITH THE APPROVING AUTHORITY IN THE COUNTY.

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