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**By: Senator Dyson (Chesapeake Bay Critical Areas Oversight Committee)**

Introduced and read first time: January 30, 1997

Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake Bay Critical Area - Commercial Timber Harvest - Criteria for Buffer**  
3 **Overlap**

4 FOR the purpose of allowing certain timber harvesting within a certain distance of buffer  
5 areas that overlap with certain habitat protection areas; and generally relating to  
6 timber harvesting in the Critical Area.

7 BY adding to

8 Article - Natural Resources

9 Section 8-1808.7

10 Annotated Code of Maryland

11 (1990 Replacement Volume and 1996 Supplement)

12 Preamble

13 WHEREAS, State lawmakers in 1984 recognized the importance of fostering more  
14 sensitive development activity along the shoreline areas of the Chesapeake Bay and its  
15 tributaries, from the standpoint of protecting and preserving water quality and natural  
16 habitats, with the adoption of the Chesapeake Bay Critical Area Protection Act; and

17 WHEREAS, This milestone policy imposed several development-related  
18 performance standards within the "Critical Area" aimed at helping achieve the inherent  
19 goals of the Act;

20 WHEREAS, One of the unintended restrictive provisions associated with the  
21 enabling Act and its accompanying criteria prohibited timber harvesting within the  
22 landward 50 feet of the 100-foot buffer area when it was determined that overlapping  
23 Habitat Protection Area (HPAs) existed;

24 WHEREAS, The original intent of the enabling Act and the criteria was to allow  
25 some flexibility in this regard when it was determined that overlapping HPAs could be  
26 protected when State approved silvicultural practices were implemented;

27 WHEREAS, There have been numerous situations when it was believed that the  
28 prohibition of harvesting in the landward 50 feet of the 100-foot buffer was not essential  
29 to the protection of specific HPAs, and in certain cases, may have been

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1 counterproductive; but, existing language within the criteria does not allow the flexibility  
2 originally envisioned when overlapping HPAs exist; and

3 WHEREAS, The proposed change embodied in this Act would make the review  
4 and protection of all HPAs within the landward 50 feet of the 100-foot buffer the same as  
5 the review and protection of all HPAs outside of the 100-foot (or expanded) buffer--a  
6 change consistent with and responsive to the intent of the original enabling Act; now,  
7 therefore,

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

10 **Article - Natural Resources**

11 8-1808.7.

12 (A) COMMERCIAL HARVESTING OF TREES BY SELECTION, OR BY THE  
13 CLEAR-CUTTING OF LOBLOLLY PINE AND TULIP POPLAR, MAY BE ALLOWED TO  
14 WITHIN 50 FEET OF THE LANDWARD EDGE OF THE MEAN HIGH WATER LINE OF  
15 TIDAL WATERS AND PERENNIAL TRIBUTARY STREAMS, OR THE EDGE OF TIDAL  
16 WETLANDS, PROVIDED THAT THE CUTTING IS CONDUCTED IN CONFORMITY WITH  
17 COMAR 27.01.05 AND WITH A BUFFER MANAGEMENT PLAN THAT IS PREPARED BY A  
18 REGISTERED PROFESSIONAL FORESTER AND IS APPROVED BY THE DEPARTMENT.

19 (B) THE PLAN SHALL BE REQUIRED FOR ALL COMMERCIAL HARVESTS  
20 WITHIN THE BUFFER, REGARDLESS OF THE SIZE OF THE AREA TO BE CUT, AND  
21 SHALL CONTAIN AT A MINIMUM THE FOLLOWING REQUIREMENTS:

22 (1) DISTURBANCE OF STREAM BANKS AND SHORELINES SHALL BE  
23 AVOIDED;

24 (2) THE AREA DISTURBED OR CUT SHALL BE REPLANTED OR ALLOWED  
25 TO REGENERATE IN A MANNER THAT ASSURES THE AVAILABILITY OF COVER AND  
26 BREEDING SITES FOR WILDLIFE AND REESTABLISHES THE WILDLIFE CORRIDOR  
27 FUNCTION OF THE BUFFER;

28 (3) THE CUTTING MAY NOT INVOLVE THE CREATION OF LOGGING  
29 ROADS AND SKID TRAILS WITHIN THE BUFFER; AND

30 (4) COMMERCIAL HARVESTING PRACTICES SHALL BE CONDUCTED TO  
31 PROTECT AND CONSERVE THE HABITAT PROTECTION AREAS IN ACCORDANCE WITH  
32 COMAR 27.01.09.02, .03, .04, AND .05.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 1997.