

CF 7r2029

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

Introduced and read first time: January 30, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 1997

CHAPTER ____

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; providing for the effective
6 date of this Act; and generally relating to 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; and17 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;

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

4 WHEREAS, There have been numerous situations when it was believed that the
5 prohibition of harvesting in the landward 50 feet of the 100-foot buffer was not essential
6 to the protection of specific HPAs, and in certain cases, may have been
7 counterproductive; but, existing language within the criteria does not allow the flexibility
8 originally envisioned when overlapping HPAs exist; and

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

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

16 **Article - Natural Resources**

17 8-1808.7.

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

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

28 (1) DISTURBANCE OF STREAM BANKS AND SHORELINES SHALL BE
29 AVOIDED;

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

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

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

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
40 ~~October~~ June 1, 1997.

