

SENATE BILL 556

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1998 Regular Session
8lr0624

By: **Senators Colburn and Stoltzfus**

Introduced and read first time: February 6, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Forest Conservation - Exemptions**

3 FOR the purpose of exempting from the requirements of the Forest Conservation Act
4 certain activities that occur in certain areas under specified conditions; and
5 generally relating to applicability of the Forest Conservation Act to certain
6 activities.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 5-1602
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1997 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
17 to any public or private subdivision plan or application for a grading or sediment
18 control permit by any person, including a unit of State or local government on areas
19 40,000 square 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;

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

24 (3) Commercial logging and timber harvesting operations, including any
25 harvesting conducted under the forest conservation and management program under
26 § 8-211 of the Tax - Property Article;

- 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
4 after the logging or harvesting operation. However, after this 5-year period, the
5 property shall be subject to this subtitle;
- 6 (4) Any agricultural activity that does not result in a change in land use
7 category, including agricultural support buildings and other related structures built
8 using accepted best management practices;
- 9 (5) The cutting or clearing of public utility rights-of-way or land for
10 electric generating stations licensed pursuant to §§ 54A and 54B or § 54-I of Article
11 78 of the Code, provided that:
- 12 (i) Any required certificates of public convenience and necessity
13 have been issued in accordance with § 5-1603(f) of this subtitle; and
- 14 (ii) The cutting or clearing of the forest is conducted so as to
15 minimize the loss of forest;
- 16 (6) Any routine maintenance of public utility rights-of-way;
- 17 (7) Any activity conducted on a single lot of any size or a linear project
18 provided that:
- 19 (i) The activity does not result in the cutting, clearing, or grading
20 of more than 40,000 square feet of forest; and
- 21 (ii) The activity on the lot or linear project will not result in the
22 cutting, clearing, or grading of any forest that is subject to the requirements of a
23 previous forest conservation plan prepared under this subtitle;
- 24 (8) Any strip or deep mining of coal regulated under Title 15, Subtitle 5
25 or 6 of the Environment Article and any noncoal surface mining regulated under Title
26 15, Subtitle 8 of the Environment Article;
- 27 (9) Any activity required for the purpose of constructing a dwelling
28 house intended for the use of the owner, or a child or grandchild of the owner, if the
29 activity does not result in the cutting, clearing, or grading of more than 40,000 square
30 feet of forest;
- 31 (10) A county that has and maintains 200,000 acres or more of its land
32 area in forest cover; [and]
- 33 (11) The cutting or clearing of trees to comply with the requirements of 14
34 C.F.R. § 77.25 relating to objects affecting navigable airspace, provided that the
35 Federal Aviation Administration has determined that the trees are a hazard to
36 aviation; AND

1 (12) ANY ACTIVITY PROVIDED THAT:

2 (I) THE ACTIVITY IS CONDUCTED ON LAND THAT IS LOCATED IN A
3 LOCALLY DESIGNATED GROWTH AREA AS DEFINED BY § 5-7B-01 OF THE STATE
4 FINANCE AND PROCUREMENT ARTICLE;

5 (II) THE ACTIVITY IS CONDUCTED ON LAND THAT IS SERVED BY
6 PUBLIC OR COMMUNITY SEWER OR WATER SYSTEMS;

7 (III) THE ACTIVITY DOES NOT RESULT IN THE CUTTING, CLEARING,
8 OR GRADING OF MORE THAN 40,000 SQUARE FEET OF FOREST; AND

9 (IV) ANY CUTTING, CLEARING, OR GRADING OF UP TO 40,000
10 SQUARE FEET OF FOREST MEETS THE REQUIREMENTS OF SUBSECTION (D) OF THIS
11 SECTION.

12 (c) For an application for subdivision or sediment and erosion control or
13 grading for a site with more than 50% of the net tract area governed by Title 8,
14 Subtitle 18 of this article, the Department or local authority may allow an applicant
15 to extend critical area forest protection measures in lieu of meeting the requirements
16 of this subtitle.

17 (D) FOR A DEVELOPMENT ACTIVITY UNDER SUBSECTION (B)(12) OF THIS
18 SECTION TO BE EXEMPT FROM THE REQUIREMENTS OF THIS SUBTITLE, A
19 DEVELOPER SHALL PROVIDE A STATEMENT TO THE DEPARTMENT OR LOCAL
20 AUTHORITY THAT:

21 (1) IS SIGNED BY A LICENSED ENGINEER OR SURVEYOR; AND

22 (2) INDICATES THE AREA OF FOREST DISTURBANCE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1998.