
By: **Senators Haines and Ferguson (Carroll County Senators)**

Introduced and read first time: February 6, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Forest Conservation Program - Agricultural Preservation Land -**
3 **Exceptions**

4 FOR the purpose of exempting activities conducted in certain land held as a
5 permanent easement in the Maryland Agricultural Land Preservation
6 Foundation from certain requirements of certain forest conservation programs;
7 and generally relating to the forest conservation program.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 5-1602
11 Annotated Code of Maryland
12 (1997 Replacement Volume and 1997 Supplement)

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

15 **Article - Natural Resources**

16 5-1602.

17 (a) Except as provided in subsection (b) of this section, this subtitle shall apply
18 to any public or private subdivision plan or application for a grading or sediment
19 control permit by any person, including a unit of State or local government on areas
20 40,000 square feet or greater.

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

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

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

25 (3) Commercial logging and timber harvesting operations, including any
26 harvesting conducted under the forest conservation and management program under
27 § 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 CONDUCTED ON LAND THAT HAS BEEN PLACED INTO
2 AN AGRICULTURAL LAND PRESERVATION EASEMENT ADMINISTERED BY THE
3 MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION WITHIN THE
4 MARYLAND DEPARTMENT OF AGRICULTURE.

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

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