

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 970

(Chairman, Environmental Matters Committee)

(Departmental – Natural Resources)

Environmental Matters

Forest Conservation

This departmental bill clarifies several provisions of current law relating to forest conservation programs. Specifically, the bill repeals the requirement that the Department of Natural Resources (DNR) or the local authority must, within 45 days from receipt of a forest conservation plan, notify the applicant that the plan has been approved. The bill also amends current law to provide that *the State or* local government must develop provisions for the preservation of specified areas; the retention as forest of all land forested, afforested, or reforested pursuant to specified provisions of current law; and the limitation of uses of forest to those that are consistent with forest conservation. Finally, the bill provides that civil penalties collected by the State or a local authority for noncompliance must be deposited in the Forest Conservation Fund.

Fiscal Summary

State Effect: None. The bill clarifies current law.

Local Effect: None. The bill clarifies current law.

Small Business Effect: DNR has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Within 45 days from receipt of a forest conservation plan, DNR or the local authority must notify the applicant whether the plan is complete and approved. As

part of the development of a forest conservation program, a local government must develop provisions for the preservation of specified areas; the retention as forest of all land forested, afforested, or reforested pursuant to specified provisions of current law; and the limitation of uses of forest to those that are consistent with forest conservation. Any person found to be in noncompliance with specified provisions of current law, regulations, the forest conservation plan, or the associated two-year management agreement must be assessed by DNR or the local authority a penalty of 30 cents per square foot of the area found to be in noncompliance. This amount must be paid into the appropriate local or State Forest Conservation Fund. A person who violates specified provisions of law, or any regulation, order, plan, or management agreement, is liable for a penalty not exceeding \$1,000 which may be recovered in a civil action brought by DNR or a local authority.

Background: According to DNR, this bill is intended to clarify several provisions of the Forest Conservation Act. Under current law, a forest conservation plan is considered approved prior to public notice. This bill clarifies the role of the public by allowing the forest conservation plan to go to public hearing prior to approval. Current law also is inconsistent with current regulations relating to the long-term protection of required mitigation areas. The bill clarifies the State's ability to require long-term protection. Current law also provides for the payment of funds received through enforcement into the Forest Conservation Fund. This bill clarifies that all enforcement and penalty money must be paid into the fund.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources; Kent, Montgomery, and Washington counties; Department of Legislative Services

Fiscal Note History: First Reader – March 8, 2001
ncs/jr

Analysis by: Lesley Frymier

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510