

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 895

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Mitigation” and substitute “Retention”; in the same line, after “Banks” insert “- Pilot Program”; in line 3, after “a” insert “certain”; in lines 4 and 8, in each instance, strike “mitigation” and substitute “retention”; in line 4, strike “in certain counties”; in the same line, after “period;” insert “requiring certain counties to administer the pilot program;”; in line 5, strike “the purpose” and substitute “certain goals”; strike beginning with “providing” in line 5 down through “by” in line 7 and substitute “authorizing a landowner to create a certain forest retention bank under certain circumstances; requiring that certain terms or conditions apply under a certain circumstance; requiring a certain rate of mitigation credit; requiring the Department to conduct a certain inspection, to evaluate the pilot program, and to report to certain persons on or before”; in line 8, after “to” insert “a certain pilot program regarding certain”; in line 9, strike “repealing and reenacting, with amendments,” and substitute “adding to”; and in line 11, strike “5-1610.1” and substitute “5-1610.2”.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 17 on page 1 through line 4 on page 3, inclusive, and substitute:

“5-1610.2.

(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE DEPARTMENT SHALL ESTABLISH A 2-YEAR PILOT PROGRAM THAT AUTHORIZES A LANDOWNER TO USE A FORESTED STREAM BUFFER ESTABLISHED UNDER A CONTRACT WITH THE FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM IN ORDER TO CREATE A FOREST RETENTION BANK.

(2) CARROLL COUNTY AND FREDERICK COUNTY SHALL ADMINISTER

(Over)

THE PILOT PROGRAM.

(B) THE GOALS OF THE PILOT PROGRAM ARE TO INCREASE THE NUMBER OF FORESTED STREAM BUFFERS IN THE STATE, TO ENHANCE THEIR QUALITY, AND TO ENSURE THEIR PERMANENT PROTECTION.

(C) A LANDOWNER MAY CREATE A FOREST RETENTION BANK IF:

(1) THE LAND IS NOT PROTECTED BY AN EXISTING CONSERVATION EASEMENT; AND

(2) THE LANDOWNER GRANTS A FOREST CONSERVATION EASEMENT TO THE DEPARTMENT THAT PROTECTS THE FOREST RETENTION BANK IN PERPETUITY.

(D) IF A TERM OR CONDITION OF THE LANDOWNER'S FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM CONTRACT IS IN CONFLICT WITH A TERM OR CONDITION OF THE FOREST CONSERVATION EASEMENT, THE TERM OR CONDITION OF THE FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM CONTRACT SHALL PREVAIL DURING THE TERM OF THE CONTRACT.

(E) MITIGATION THROUGH CREATION OF A FOREST RETENTION BANK SHALL BE CREDITED AT A RATE OF 2.5 ACRES PER EACH ACRE OF MITIGATION REQUIRED.

(F) THE DEPARTMENT:

(1) SHALL CONDUCT A FIELD INSPECTION OF EACH FOREST RETENTION BANK IN ORDER TO ENSURE THAT EXISTING FORESTED AREAS ARE MAINTAINED AND PROPERLY CREDITED IN THE BANK;

(2) SHALL EVALUATE THE 2-YEAR PILOT PROGRAM TO DETERMINE ITS EFFECTIVENESS IN MEETING THE GOALS UNDER SUBSECTION (B) OF THIS SECTION; AND

(3) ON OR BEFORE DECEMBER 31, 2004, SHALL REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE AND THE SENATE EDUCATION, HEALTH,

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AND ENVIRONMENTAL AFFAIRS COMMITTEE ON THE EFFECTIVENESS OF THE PILOT PROGRAM.”.

AMENDMENT NO. 3

On page 3, in line 6, after “2002.” insert “It shall remain effective for a period of 3 years and, at the end of June 30, 2005, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.