

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 470	(Chairman, Environmental Matters Committee) (Departmental – Natural Resources)
Environmental Matters	Education, Health, and Environmental Affairs

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**Forest Conservation**

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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.

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**Fiscal Summary**

**State Effect:** None. The bill clarifies current law.

**Local Effect:** None -- see above.

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

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**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 statutes, 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 statute, 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 statutory law, a forest conservation plan is considered approved prior to public notice. However, a regulation requires that the department consider the testimony and written comments from the public information hearing prior to the approval or denial of a forest conservation plan. This bill clarifies the role of the public by allowing the forest conservation plan to go to public hearing prior to approval. Current statutory 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.

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### **Additional Information**

**Prior Introductions:** Identical legislation was introduced during the 2001 session as HB 970. The bill received an unfavorable report by the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources; Allegany, Kent, Montgomery, Prince George's and Washington counties; Baltimore City; Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2002  
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