

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 588

(Delegate Hubbard)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Forest Conservation - Net Tract Area

This bill specifies that the term “net tract area” for the purpose of forest conservation and mitigation requirements includes the forested areas within a 100-year floodplain or wetland if a perpetual conservation easement is placed on the forested areas at the time the plat of the tract is recorded. The bill only applies to a tract of land that is at least 350 acres, of which at least 15% is within the boundaries of a 100-year floodplain or wetland. The bill authorizes the revision of specified forest conservation plans submitted before July 1, 2007 to be consistent with the bill.

The bill takes effect July 1, 2007 and terminates February 29, 2008.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances.

Local Effect: The bill would not materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: The Forest Conservation Act requires that a forest conservation plan be approved for a site before an application for sediment and erosion control or a subdivision is approved. This plan provides for forest retention on the site consistent with the established land use or through payment made into a local fund for afforestation or reforestation. If afforestation or reforestation cannot be reasonably accomplished in

the county or watershed in which the project is located, then it must be accomplished through purchase of credits in, establishment of, or maintenance of a forest mitigation bank.

State law allows local ordinances to deduct from the total tract area those areas that are already covered by another local ordinance in order to determine the net tract area. Mitigation is determined based on the net tract area, so as to prevent a developer from having to comply with multiple ordinances on the same square foot of ground.

“Net tract area” means: (1) except in agriculture and resource areas or linear project areas, the total area of a site, including both forested and nonforested areas, to the nearest one-tenth acre reduced by that area where forest clearing is restricted by another local ordinance or program; (2) in agriculture and resource areas, the portion of the total tract for which land use will be changed or will no longer be used for primarily agricultural activities reduced by that area where forest clearing is restricted by another local ordinance or program; and (3) for a linear project, the area of a right-of-way width, new access roads and storage or the limits of disturbance as shown on an application for sediment and erosion control approval or in a capital improvements program project description.

Additional Information

Prior Introductions: Similar legislation was introduced as HB 1619 of 2006. The House Environmental Matters Committee held a hearing on the bill, but no further action was taken.

Cross File: SB 573 (Senator Peters) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Natural Resources, Maryland Department of Planning, Anne Arundel County, Garrett County, Montgomery County, Prince George’s County, Department of Legislative Services

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