# HOUSE BILL 972

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**
Introduced and read first time: February 7, 2008
Assigned to: Environmental Matters

## A BILL ENTITLED

1　AN ACT concerning

2　　　　　　**Forest Conservation – Reporting and Enforcement**

3　FOR the purpose of requiring certain local authorities to report certain enforcement
4　　　　　activity to the Department of Natural Resources within a certain period of time;
5　　　　　requiring the Department to include certain information regarding certain
6　　　　　enforcement activity in certain annual reports; and generally relating to
7　　　　　enforcement of State and local forest conservation laws.

8　BY repealing and reenacting, with amendments,
9　　　　　Article – Natural Resources
10　　　　　Section 5–1612 and 5–1613
11　　　　　Annotated Code of Maryland
12　　　　　(2005 Replacement Volume and 2007 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　5–1612.

17　　　　　(a)　　(1)　　The enforcement provisions in this section and § 5–1608 of this
18　subtitle are in lieu of any other provision in this title.

19　　　　　　　　(2)　　In addition to the enforcement authority granted the Department,
20　the enforcement provisions of this section may be exercised by any local authority that
21　has adopted a forest conservation program, in addition to any enforcement provisions
22　available to the local authority.

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EXPLANATION: **Capitals indicate matter added to existing law.**
　　　　[Brackets] indicate matter deleted from existing law.

1        (b)     The Department or a local authority may revoke an approved forest
2    conservation plan for cause, including violation of conditions of the plan, obtaining a
3    plan approval by misrepresentation, failing to disclose a relevant or material fact, or
4    change in conditions. The Department or a local authority shall notify the violator in
5    writing and provide an opportunity for a hearing.

6        (c)     The Department or a local authority may issue a stop work order against
7    any person who violates any provision of this subtitle or any regulation, order,
8    approved plan, or management agreement.

9        (d)     (1)     A person who violates any provision of this subtitle or any
10   regulation, order, plan, or management agreement under this subtitle is liable for a
11   penalty not exceeding $1,000 which may be recovered in a civil action brought by the
12   Department or a local authority. Each day a violation continues is a separate violation
13   under this subtitle.

14            (2)     The court may issue an injunction requiring the person to cease
15   the violation and take corrective action to restore or reforest an area.

16       **(E)     A LOCAL AUTHORITY ENGAGING IN ENFORCEMENT ACTIVITY IN**
17   **ACCORDANCE WITH THE PROVISIONS OF THIS SECTION OR § 5–1608(C) OF THIS**
18   **SUBTITLE SHALL GIVE NOTICE TO THE DEPARTMENT WITHIN 15 DAYS AFTER**
19   **THE COMMENCEMENT OF THE ENFORCEMENT ACTIVITY.**

20   5–1613.

21       On or before July 1 of each year, the Department shall submit, subject to §
22   2–1246 of the State Government Article, to the Senate Education, Health, and
23   Environmental Affairs Committee and the House Environmental Matters Committee
24   a statewide report, compiled from local authorities' reports to the Department, on:

25           (1)     The number, location, and type of projects subject to the provisions
26   of this subtitle;

27           (2)     The amount and location of acres cleared, conserved, and planted,
28   including any areas which utilize forest mitigation bank credits **AND AREAS OF THE**
29   **100 YEAR FLOODPLAIN**, in connection with a development project;

30           (3)     The amount of reforestation and afforestation fees and
31   noncompliance penalties collected and expended;

32           (4)     The costs of implementing the forest conservation program; **[**and**]**

33           (5)     The size, location, and protection of any local forest mitigation
34   banks which are created under a local or State program**;**

1 **(6)** **THE NUMBER, LOCATION, AND TYPE OF VIOLATIONS AND**
2 **TYPE OF ENFORCEMENT UNDERTAKEN IN ACCORDANCE WITH THE PROVISIONS**
3 **OF THIS SUBTITLE; AND**

4 **(7)** **TO THE EXTENT PRACTICABLE, THE SIZE AND LOCATION OF**
5 **ALL CONSERVED AND PLANTED FOREST AREAS IN AN ELECTRONIC GEOGRAPHIC**
6 **INFORMATION SYSTEM OR COMPUTER AIDED DESIGN FORMAT.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2008.