

HOUSE BILL 1552

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 25, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Sustainable Forestry Act of 2008**

3 FOR the purpose of declaring certain findings and policy statements relating to
4 forests; altering the permissible uses of the Forest or Park Reserve Fund;
5 declaring a certain intent of the General Assembly; revising provisions of the
6 law relating to the protection of certain forestry practices from certain private
7 actions under certain circumstances; exempting certain forestry practices from
8 nuisance lawsuits; authorizing the inclusion of certain information in certain
9 local plans; setting forth legislative intent; requesting the Governor to
10 encourage the Department of Natural Resources to develop a Forest
11 Stewardship Plan and share the plan with other State units and local
12 governments for certain purposes; requiring the Department to report and
13 monitor certain forest retention and restoration by undertaking certain actions;
14 establishing a certain task force; requiring the task force to develop a certain
15 plan and policy; providing for the termination of certain provisions of this Act;
16 defining certain terms; and generally relating to the conservation of forested
17 lands in the State.

18 BY repealing and reenacting, with amendments,
19 Article – Natural Resources
20 Section 5–101, 5–102, 5–102.1, and 5–212
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2007 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Courts and Judicial Proceedings
25 Section 5–403(a), (b)(1), (c), and (d)
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article 66B – Land Use
3 Section 3.05(a)
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2007 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 5–7A–01
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2007 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Natural Resources**

14 5–101.

15 (a) In this title the following words have the meanings indicated.

16 (b) “County” includes Baltimore City unless otherwise indicated.

17 (c) “Department” means Department of Natural Resources.

18 (D) **“FOREST HARVESTING” MEANS THE REMOVAL OF TREES FROM**
19 **FOREST LAND AS RECOMMENDED IN A FOREST STEWARDSHIP PLAN AND**
20 **CONDUCTED IN COMPLIANCE WITH ALL APPLICABLE LAWS, RULES, AND**
21 **REGULATIONS.**

22 (E) **“FOREST LAND” MEANS A BIOLOGICAL COMMUNITY DOMINATED BY**
23 **TREES AND OTHER WOODY PLANTS THAT ARE CAPABLE OF PRODUCING TIMBER**
24 **OR OTHER WOOD PRODUCTS WITH A STOCKING OF AT LEAST 100 TREES PER**
25 **ACRE WITH AT LEAST 50% OF THOSE TREES HAVING A 2-INCH OR GREATER**
26 **DIAMETER AT 4.5 FEET ABOVE THE GROUND AND INCLUDING FOREST AREAS**
27 **THAT HAVE BEEN CUT BUT NOT CLEARED.**

28 (F) **“FOREST STEWARDSHIP PLAN” MEANS A DOCUMENT WRITTEN BY A**
29 **LICENSED PROFESSIONAL FORESTER IN ACCORDANCE WITH § 7–101 OF THE**
30 **BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE CONCERNING A PARCEL**
31 **OF LAND COMPRISED OF NOT LESS THAN 5 CONTIGUOUS FORESTED ACRES**
32 **THAT LISTS ACTIVITIES THAT ENHANCE OR IMPROVE FOREST RESOURCES,**
33 **INCLUDING WILDLIFE, SOIL, WATER, TIMBER, RECREATION, AND AESTHETICS**
34 **ON EITHER PUBLIC OR PRIVATE FOREST LAND OVER A 15–YEAR PERIOD.**

1 (G) **“FORESTRY” MEANS THE SCIENCE, ART, AND PRACTICE OF**
2 **CREATING, MANAGING, USING, AND CONSERVING FORESTS AND ASSOCIATED**
3 **RESOURCES FOR HUMAN BENEFIT IN A SUSTAINABLE MANNER TO MEET**
4 **DESIRED GOALS INCLUDING GOALS FOR CLEAN AIR AND WATER, BIODIVERSITY,**
5 **WILDLIFE HABITAT, FIBER PRODUCTION, AND RECREATION.**

6 (H) **“FORESTRY EQUIPMENT” MEANS THE HAND TOOLS AND HEAVY**
7 **MACHINERY USED TO CONDUCT FORESTRY PRACTICES AND OPERATIONS,**
8 **INCLUDING EQUIPMENT FOR TAKING FOREST MEASUREMENTS, OR HARVESTING**
9 **OR TRANSPORTING PRODUCTS FROM THE FOREST.**

10 (I) **“FORESTRY PRACTICES” OR “FOREST MANAGEMENT PRACTICES”**
11 **MEANS ACTIVITIES CONDUCTED TO ACHIEVE LAND MANAGEMENT OBJECTIVES**
12 **INCLUDING PLANTING, PRESCRIBED BURNING, THINNING, PRUNING,**
13 **HARVESTING, FERTILIZING, AND PESTICIDE AND HERBICIDE SPRAYING.**

14 [(d)] (J) “Person” includes the State, any county, municipal corporation, or
15 other political subdivision of the State, or any of their units, or an individual, receiver,
16 trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or
17 any partnership, firm, association, public or private corporation, or any other entity.

18 [(e)] (K) “Secretary” means Secretary of Natural Resources.

19 (L) **“SILVICULTURAL PRACTICES” MEANS ALL FOREST MANAGEMENT**
20 **PRACTICES, INCLUDING THE ESTABLISHMENT, COMPOSITION, CONSTITUTION,**
21 **GROWTH, AND HARVESTING OF TREES.**

22 (M) **“SILVICULTURAL PRODUCT” OR “FOREST PRODUCT” MEANS ANY**
23 **RAW MATERIAL YIELDED BY A FOREST, INCLUDING TIMBER, TIMBER PRODUCTS,**
24 **AND OTHER FOREST MATERIALS SUCH AS LUMBER, POLES, PULPWOOD,**
25 **FIREWOOD, AND PINESTRAW, AND CAN ALSO MEAN NONFIBER PRODUCTS SUCH**
26 **AS WILDLIFE, FOODSTUFFS, CLEAN AIR AND WATER, RECREATION, AND**
27 **AESTHETICS.**

28 (N) **“SILVICULTURE” MEANS THE ART AND SCIENCE OF CONTROLLING**
29 **THE ESTABLISHMENT, GROWTH, COMPOSITION, HEALTH, AND QUALITY OF**
30 **FORESTS AND WOODLANDS TO MEET THE DIVERSE NEEDS AND VALUES OF**
31 **LANDOWNERS AND SOCIETY ON A SUSTAINABLE BASIS.**

32 (O) **“SUSTAINABLE FORESTRY” OR “SUSTAINABLE FORESTRY**
33 **MANAGEMENT” MEANS THE STEWARDSHIP AND USE OF FORESTS AND FOREST**
34 **LANDS IN A WAY, AND AT A RATE, THAT MAINTAINS THEIR POTENTIAL TO**
35 **FULFILL RELEVANT ECOLOGICAL, ECONOMIC, AND SOCIAL FUNCTIONS TO**
36 **ENSURE THE FUTURE HEALTH AND USEFULNESS OF THE FOREST.**

1 5-102.

2 (A) **THE GENERAL ASSEMBLY FINDS THAT:**

3 (1) (I) Forests, streams, valleys, wetlands, parks, scenic, historic
4 and recreation areas of the State are basic assets.

5 (II) [Their] **THE** proper use, development, and preservation **OF**
6 **THE STATE'S ASSETS** are necessary to protect and promote the health, safety,
7 economy, and general welfare of the people of the State. [It is the policy of the State to
8 encourage the economic development and use of its natural resources for the
9 improvement of local economy, preservation of the natural beauty, and promotion of
10 the recreational and leisure interest throughout the State.]

11 (2) **ENHANCING THE EXTENT AND CONDITION OF TREE AND**
12 **FOREST COVER IN THE CHESAPEAKE BAY WATERSHED IS CRITICAL TO**
13 **SUCCESS IN RESTORING THE CHESAPEAKE BAY BECAUSE FORESTS ARE THE**
14 **MOST BENEFICIAL RESOURCE IN PROTECTING WATER QUALITY, DUE TO THEIR**
15 **ABILITY TO CAPTURE, FILTER, AND RETAIN WATER AND TO ABSORB POLLUTION**
16 **FROM THE AIR;**

17 (3) **FORESTS AND TREES CAN MITIGATE GREENHOUSE GAS**
18 **EMISSIONS BY CARBON SEQUESTRATION;**

19 (4) **FORESTS PROVIDE HABITAT FOR HUNDREDS OF WILDLIFE**
20 **SPECIES, INCLUDING 90% OF THE HABITAT NEEDED FOR RARE, THREATENED,**
21 **AND ENDANGERED SPECIES;**

22 (5) **FORESTS, LIKE OTHER OPEN SPACE AREAS, ARE UNDER**
23 **INTENSE DEVELOPMENT-RELATED PRESSURES FOR RESIDENTIAL,**
24 **COMMERCIAL, AND INDUSTRIAL CONVERSION ATTENDANT TO THE DEMANDS OF**
25 **A GROWING POPULATION;**

26 (6) **TREES AND FORESTS IN URBAN AREAS PROVIDE MULTIPLE**
27 **BENEFITS, INCLUDING MITIGATION OF URBAN STORMWATER RUNOFF INTO THE**
28 **CHESAPEAKE BAY, SEQUESTRATION OF CARBON, AVOIDANCE OF**
29 **ENERGY-RELATED EMISSIONS, MITIGATION OF AIR POLLUTANTS SUCH AS SMOG**
30 **(OZONE) AND SOOT (PARTICULATE MATTER), REDUCTION OF THE URBAN HEAT**
31 **ISLAND EFFECT, AND CONTRIBUTIONS TO COMMUNITY LIVABILITY; AND**

32 (7) **FORESTS ARE A RENEWABLE RESOURCE AND CAPABLE OF**
33 **HELPING THE STATE MEET ITS RENEWABLE ENERGY GOALS CONSISTENT WITH**
34 **THE RENEWABLE ENERGY PORTFOLIO STANDARD ACT OF 2004, THE HEALTHY**
35 **AIR ACT OF 2006, AND THE MARYLAND CLEAN ENERGY INCENTIVE ACT OF**
36 **2006.**

1 **(B) IT IS THE POLICY OF THE STATE TO:**

2 **(1) ACHIEVE NO NET LOSS OF FOREST LAND AND PROMOTE**
3 **SUSTAINABLE FORESTRY IN ACCORDANCE WITH ACCEPTED SILVICULTURAL**
4 **PRACTICES;**

5 **(2) ENCOURAGE THE ECONOMIC DEVELOPMENT AND USE OF ITS**
6 **NATURAL RESOURCES FOR THE IMPROVEMENT OF LOCAL ECONOMY,**
7 **PRESERVATION OF NATURAL BEAUTY, AND PROMOTION OF RECREATIONAL AND**
8 **LEISURE INTEREST THROUGHOUT THE STATE;**

9 **(3) GUIDE THE CONSERVATION AND STEWARDSHIP OF ALL**
10 **FORESTS IN THE STATE TO MEET THE FOREST-RELATED NEEDS OF PRESENT**
11 **AND FUTURE GENERATIONS BY REQUIRING THAT ECONOMIC, SOCIAL, AND**
12 **ENVIRONMENTAL VALUES FROM FORESTS ACROSS MULTIPLE OWNERSHIPS**
13 **BENEFIT FROM A LEGAL, FINANCIAL, AND INSTITUTIONAL STRUCTURE WHERE**
14 **THESE VALUES ARE MUTUALLY ASSURED; AND**

15 **(4) AFFORD PRIORITY TO THE PROTECTION AND RETENTION OF**
16 **FORESTS IN THE STATE'S LAND CONSERVATION PROGRAMS WHERE THEY HAVE**
17 **THE HIGHEST VALUE IN TERMS OF PROMOTING THE STATE'S COMPLIANCE WITH**
18 **ITS CLEAN WATER GOALS UNDER THE CHESAPEAKE 2000 AGREEMENT AND THE**
19 **2007 FORESTRY CONSERVATION INITIATIVE.**

20 5-102.1.

21 (a) (1) In this section, the term "forestry" includes activities prescribed by
22 a licensed professional forester in accordance with § 7-101 of the Business
23 Occupations and Professions Article.

24 (2) "Forestry" does not include the clearing of land as a prelude to a
25 change in the use of land.

26 (b) Forestry, as prescribed by a person licensed as a forester under Title 7 of
27 the Business Occupations and Professions Article and in accordance with accepted
28 silvicultural principles, as defined by the Society of American Foresters, constitutes a
29 traditional, fundamental, beneficial, and desirable use of the State's forest resource.
30 Forestry is an important land management tool that contributes significantly to the
31 economy of the State by the support of a vital forest products industry, as well as to
32 the health of forests and their wildlife, water quality, and recreational benefits by the
33 sustainment of forest productivity and wildlife habitats.

34 (c) In Maryland, forestry, including the harvest and transport of forest
35 products, is often carried out in close proximity to populated areas. Other than

1 development for more intensive uses, this harvest of timber may represent a major
2 source of income for the profitable use of private property.

3 **(D) (1) RETENTION, MANAGEMENT, AND EXPANSION OF THE STATE'S**
4 **FORESTED RESOURCES ARE CRITICAL TO THE HEALTH AND VITALITY OF THE**
5 **CHESAPEAKE BAY WATERSHED, RURAL MARYLAND, AND FOREST**
6 **RESOURCE-BASED INDUSTRIES.**

7 **(2) IT IS THE INTENT OF THIS SUBSECTION TO ENCOURAGE**
8 **FORESTRY PRACTICES THROUGH LOCAL PLANNING AND ZONING POWERS IN**
9 **ACCORDANCE WITH ARTICLE 66B, § 3.05 OF THE CODE AND TO EXPRESS THE**
10 **GENERAL ASSEMBLY'S INTENT THAT LOCAL PLANNING AND ZONING POWERS**
11 **IMPACTING SILVICULTURAL PRACTICES NOT EXCEED RESTRICTIONS IMPOSED**
12 **ON SUCH PRACTICES BY EXISTING STATE LAW AND REGULATIONS.**

13 [(d)] (E) Since it is in the State and public interests to preserve the forest
14 land base and other natural resources, a local government with planning and zoning
15 powers shall support forestry by a reasonable exercise of these powers, including the
16 consideration, development, and interpretation of planning and zoning requirements
17 that beneficially impact the efficient and economic practice of forestry in a manner
18 consistent with the local government's implementation of the visions listed in Article
19 66B, § 1.01 of the Code.

20 5-212.

21 (a) In this section, "Fund" means the Forest or Park Reserve Fund.

22 (b) There is a Forest or Park Reserve Fund in the Department.

23 (c) The purpose of the Fund is to enable the Department to purchase and
24 manage in the name of the State lands suitable for forest culture, reserves, watershed
25 protection, State parks, scenic preserves, historic monuments, parkways, and State
26 recreational reserves.

27 (d) The Department shall administer the Fund.

28 (e) (1) The Treasurer shall hold the Fund separately and the Comptroller
29 shall account for the Fund.

30 (2) The Fund is a special, nonlapsing fund that is not subject to §
31 7-302 of the State Finance and Procurement Article.

32 (f) The Fund consists of:

33 (1) Any money obtained from the State forest reserves, State parks,
34 scenic reserves, parkways, historic monuments, and recreation areas;

1 (2) Revenue distributed to the Fund from fines collected under §
2 5–1302 of this title; and

3 (3) Revenue received by the Fund under § 5–207(b) of this subtitle.

4 (g) The Fund may be used only for:

5 (1) (I) Purchasing and managing in the name of the State lands
6 suitable for forest culture, reserves, watershed protection, State parks, scenic
7 preserves, historic monuments, parkways, and State recreational reserves;

8 (II) **OFFSETTING THE COSTS TO THE DEPARTMENT'S**
9 **FOREST SERVICE FOR DEVELOPING AND APPROVING FOREST STEWARDSHIP**
10 **PLANS ON PRIVATELY OWNED FOREST LANDS CONSISTENT WITH § 5–603 OF**
11 **THIS TITLE; AND**

12 (III) **PROVIDING ANNUAL GRANTS TO THE FOREST**
13 **CONSERVANCY DISTRICT BOARDS UNDER § 5–605 OF THIS TITLE TO HELP**
14 **FACILITATE, AMONG OTHER THINGS, THEIR RESPECTIVE OUTREACH EFFORTS**
15 **TO ENCOURAGE FOREST LANDOWNERS TO DEVELOP FOREST STEWARDSHIP**
16 **PLANS.**

17 (2) Annual payments to counties in the amount of:

18 (i) If the State forest or park reserve comprises less than 10% of
19 the total land area of the county, a sum equal to 15% of the revenue derived from the
20 State forest or park reserve located in that county; and

21 (ii) If the State forest or park reserve comprises 10% or more of
22 the total land area of the county, a sum equal to 25% of the revenue derived from the
23 State forest or park reserve located in that county; and

24 (3) Administrative costs calculated in accordance with § 1–103(b)(2) of
25 this article.

26 (h) (1) The Treasurer shall invest the money of the Fund in the same
27 manner as other State money may be invested.

28 (2) Any investment earnings of the Fund shall be credited to the
29 General Fund of the State.

30 (i) Expenditures from the Fund may be made only in accordance with the
31 State budget.

32 **Article – Courts and Judicial Proceedings**

33 5–403.

1 (a) **(1)** In this section[, “agricultural operation”] **THE FOLLOWING**
2 **WORDS HAVE THE MEANINGS INDICATED.**

3 **(2)** **“AGRICULTURAL OPERATION”** means an operation for the
4 processing of agricultural crops or on–farm production, harvesting, or marketing of
5 any agricultural, horticultural, silvicultural, aquacultural, or apicultural product that
6 has been grown, raised, or cultivated by the farmer.

7 **(3)** **“SILVICULTURAL OPERATION” MEANS IMPLEMENTATION OF**
8 **FOREST MANAGEMENT PRACTICES, INCLUDING THE ESTABLISHMENT,**
9 **COMPOSITION, CONSTITUTION, GROWTH, AND HARVESTING OF TREES.**

10 (b) **(1)** This section does not:

11 (i) Prohibit a federal, State, or local government from enforcing
12 health, environmental, zoning, or any other applicable law;

13 (ii) Relieve any agricultural **OR SILVICULTURAL** operation
14 from the responsibility of complying with the terms of any applicable federal, State,
15 and local permit required for the operation;

16 (iii) Relieve any agricultural **OR SILVICULTURAL** operator from
17 the responsibility to comply with any federal, State, or local health, environmental,
18 and zoning requirement; or

19 (iv) Relieve any agricultural **OR SILVICULTURAL** operation
20 from liability for conducting an agricultural operation in a negligent manner.

21 (c) If an agricultural operation, **NOT A SILVICULTURAL OPERATION**, has
22 been under way for a period of 1 year or more and if the operation, **INCLUDING A**
23 **SILVICULTURAL OPERATION**, is in compliance with applicable federal, State, and
24 local health, environmental, zoning, and permit requirements relating to any nuisance
25 claim and is not conducted in a negligent manner:

26 (1) The operation, including any **SIGHT, SOUND**, noise, odors, dust, or
27 insects from the operation, may not be deemed to be a public or private nuisance; and

28 (2) A private action may not be sustained on the grounds that the
29 operation interferes or has interfered with the use or enjoyment of other property,
30 whether public or private.

31 (d) **(1)** This section does not create, and may not be construed as creating,
32 a new cause of action or substantive legal right against a person who is engaged in an
33 agricultural **OR SILVICULTURAL** operation.

1 (2) This section does not affect, and may not be construed as affecting,
2 any defenses available at common law to a defendant who is engaged in an
3 agricultural **OR SILVICULTURAL** operation and subject to an action for nuisance.

4 **Article 66B - Land Use**

5 3.05.

6 (a) (1) A planning commission shall make and approve a plan which the
7 commission shall recommend to the local legislative body for adoption.

8 (2) The plan shall:

9 (i) Serve as a guide to public and private actions and decisions
10 to insure the development of public and private property in appropriate relationships;
11 and

12 (ii) Include any areas outside of the boundaries of the plan
13 which, in the planning commission’s judgment, bear relation to the planning
14 responsibilities of the commission.

15 (3) (i) The elements of the plan may be expressed in words,
16 graphics, or any other appropriate form.

17 (ii) 1. The elements of the plan shall be interrelated.

18 2. Each element shall describe how it relates to each of
19 the other elements and to the statement of objectives, principles, policies, and
20 standards.

21 (4) The plan shall contain at a minimum the following elements:

22 (i) A statement of goals and objectives, principles, policies, and
23 standards, which shall serve as a guide for the development and economic and social
24 well-being of the local jurisdiction;

25 (ii) A land use plan element, which:

26 1. Shall propose the most appropriate and desirable
27 patterns for the general location, character, extent, and interrelationship of the uses of
28 public and private land, on a schedule that extends as far into the future as is
29 reasonable; and

30 2. May include public and private, residential,
31 commercial, industrial, agricultural, and recreational land uses **AND FORESTRY IN**
32 **ACCORDANCE WITH § 5-102.1 OF THE NATURAL RESOURCES ARTICLE;**

1 (iii) A transportation plan element which shall:

2 1. Propose the most appropriate and desirable patterns
3 for the general location, character, and extent of the channels, routes, and terminals
4 for transportation facilities, and for the circulation of persons and goods on a schedule
5 that extends as far into the future as is reasonable;

6 2. Provide for bicycle and pedestrian access and
7 travelways; and

8 3. Include an estimate of the probable utilization of any
9 proposed improvement;

10 (iv) A community facilities plan element, which:

11 1. Shall propose the most appropriate and desirable
12 patterns for the general location, character, and extent of public and semipublic
13 buildings, land, and facilities on a schedule that extends as far into the future as is
14 reasonable; and

15 2. May include parks and recreation areas, schools and
16 other educational and cultural facilities, libraries, churches, hospitals, social welfare
17 and medical facilities, institutions, fire stations, police stations, jails, or other public
18 office or administrative facilities;

19 (v) If current geological information is available, a mineral
20 resources plan element that:

21 1. Identifies undeveloped land that should be kept in its
22 undeveloped state until the land can be used to provide or assist in providing a
23 continuous supply of minerals, as defined in § 15–801(i) of the Environment Article;

24 2. Identifies appropriate post–excavation uses for the
25 land that are consistent with the county’s land planning process;

26 3. Incorporates land use policies and recommendations
27 for regulations:

28 A. To balance mineral resource extraction with other
29 land uses; and

30 B. To the extent feasible, to prevent the preemption of
31 mineral resources extraction by other uses; and

32 4. Has been reviewed by the Department of the
33 Environment to determine whether the proposed plan is consistent with the programs
34 and goals of the Department;

1 (vi) A water resources plan element that:

2 1. Identifies drinking water and other water resources
3 that will be adequate for the needs of existing and future development proposed in the
4 land use plan element required under this section, considering available data provided
5 by the Department of the Environment;

6 2. Identifies suitable receiving waters and land areas to
7 meet stormwater management and wastewater treatment and disposal needs of
8 existing and future developments proposed in the land use plan element required
9 under this section, considering available data provided by the Department of the
10 Environment; and

11 3. Has been reviewed by the Department of the
12 Environment to determine whether the proposed plan is consistent with the programs
13 and goals of the Department reflected in the general water resources program
14 required under § 5–203 of the Environment Article;

15 (vii) An element which shall contain the planning commission's
16 recommendation for land development regulations to implement the plan and which
17 encourages the following:

18 1. Streamlined review of applications for development,
19 including permit review and subdivision plat review within the areas designated for
20 growth in the plan;

21 2. The use of flexible development regulations to
22 promote innovative and cost-saving site design and protect the environment; and

23 3. Economic development in areas designated for growth
24 in the plan through the use of innovative techniques;

25 (viii) Recommendations for the determination, identification, and
26 designation of areas within the county that are of critical State concern; and

27 (ix) A sensitive area element that:

28 1. Contains goals, objectives, principles, policies, and
29 standards designed to protect sensitive areas from the adverse effects of development;
30 and

31 2. Has been reviewed by the Department of the
32 Environment and Department of Natural Resources to determine whether the
33 proposed plan is consistent with the programs and goals of the departments; and

34 (x) For a municipal corporation that exercises zoning authority,
35 a municipal growth element, developed in accordance with subsection (e) of this
36 section, which shall include consideration of:

- 1 1. Anticipated future municipal growth areas outside
2 the existing corporate limits of the municipal corporation;
- 3 2. Past growth patterns of the municipal corporation;
- 4 3. The capacity of land areas available for development
5 within the municipal corporation, including in-fill and redevelopment;
- 6 4. The land area needed to satisfy demand for
7 development at densities consistent with the long-term development policy;
- 8 5. Public services and infrastructure needed to
9 accommodate growth within the proposed municipal growth areas, including those
10 necessary for:
 - 11 A. Public schools, sufficient to accommodate student
12 population consistent with State rated capacity standards established by the
13 Interagency Committee on School Construction;
 - 14 B. Libraries;
 - 15 C. Public safety, including emergency medical response;
 - 16 D. Water and sewerage facilities;
 - 17 E. Stormwater management systems, sufficient to assure
18 water quality both inside and outside the proposed municipal growth area; and
 - 19 F. Recreation;
- 20 6. Anticipated financing mechanisms to support
21 necessary public services and infrastructure;
- 22 7. Rural buffers and transition areas;
- 23 8. Any burden on services and infrastructure for which
24 the municipal corporation would be responsible for development in areas proximate to
25 and outside the proposed municipal growth area;
- 26 9. Protection of sensitive areas, as defined in Article
27 66B, § 1.00(j) of the Code, that could be impacted by development planned within the
28 proposed municipal growth area;
- 29 10. Population growth projections; and
- 30 11. The relationship of the long-term development policy
31 to a vision of the municipal corporation's future character.

1 (5) (i) The transportation element may include all types of
2 highways and streets, bicycle ways, sidewalks, railways, waterways, airways, routings
3 for mass transit, and terminals for people, goods, and vehicles related to highways,
4 airways, waterways, and railways.

5 (ii) The mineral resources plan element shall be incorporated in:

6 1. Any new plan adopted after July 1, 1986 for all or any
7 part of a local jurisdiction; and

8 2. Any amendment or addition that is adopted after July
9 1, 1986 to a plan that was in effect on July 1, 1985.

10 (6) (i) The plan may include any additional elements which, in the
11 judgment of the planning commission, will further advance the purposes of the plan.

12 (ii) The additional plan elements may include:

13 1. Community renewal elements;

14 2. Housing elements;

15 3. Flood control elements;

16 4. Pollution control elements;

17 5. Conservation elements;

18 6. Natural resources elements;

19 7. The general location and extent of public utilities; and

20 8. Priority preservation areas developed in accordance
21 with § 2–518 of the Agriculture Article.

22 (7) (i) Each planning commission of a county that is located on the
23 tidal waters of the State and that exercises authority under this article shall include
24 in its plan the designation of areas on the tidal water or in close proximity to the tidal
25 water for the following purposes:

26 1. Loading and unloading finfish and shellfish;

27 2. Processing finfish and shellfish; and

28 3. Docking and mooring commercial fishing boats and
29 vessels.

1 (ii) The designated areas under subparagraph (i) of this
2 paragraph shall be geographically located to:

3 1. Facilitate the commercial harvesting of finfish and
4 shellfish; and

5 2. Assure reasonable access to the waterways of the
6 State by commercial watermen.

7 (8) The Department of the Environment shall provide, on request,
8 technical assistance to a local government on the development of the water resources
9 element of the comprehensive plan.

10 Article – State Finance and Procurement

11 5-7A-01.

12 The State Economic Growth, Resource Protection, and Planning Policy is that:

13 (1) development shall be concentrated in suitable areas;

14 (2) sensitive areas shall be protected;

15 (3) in rural areas, growth shall be directed to existing population
16 centers and resource areas shall be protected;

17 (4) stewardship of the Chesapeake Bay and the land shall be a
18 universal ethic;

19 (5) conservation of resources, including a reduction in resource
20 consumption **AND THE PROMOTION OF SUSTAINABLE FORESTRY MANAGEMENT**
21 **CONSISTENT WITH § 5-102.1 OF THE NATURAL RESOURCES ARTICLE**, shall be
22 practiced;

23 (6) to encourage the achievement of paragraphs (1) through (5) of this
24 subsection, economic growth shall be encouraged and regulatory mechanisms shall be
25 streamlined;

26 (7) adequate public facilities and infrastructure are available or
27 planned in areas where growth is to occur; and

28 (8) funding mechanisms shall be addressed to achieve this policy.

29 SECTION 2. AND BE IT FURTHER ENACTED, That:

1 (a) (1) The Department of Natural Resources is encouraged, to the extent
2 financial resources are made available, to develop a Forest Stewardship Plan on all
3 appropriate Department–owned forested lands.

4 (2) The Plan developed under paragraph (1) of this subsection should
5 be consistent with:

6 (i) Third–party certification; and

7 (ii) Section 5–603 of the Natural Resources Article.

8 (b) On completion of the Forest Stewardship Plan, the Department should
9 share the findings and recommendations with other units within the Executive
10 Branch and local governments that own forested lands for use as possible models for
11 plans to be developed by other governmental entities.

12 SECTION 3. AND BE IT FURTHER ENACTED, That:

13 (a) The Department of Natural Resources shall report and monitor forest
14 retention and restoration by encouraging local jurisdictions to report data to the State
15 with the geospatial location of forest retained or restored through implementation of
16 the Forest Conservation Act, the Critical Areas Act, comprehensive plans for sensitive
17 areas, and all programs that impact urban and community forestry.

18 (b) If State funding is required to acquire the data from local governments in
19 accordance with subsection (a) of this section, the Department shall use funds in the
20 Woodland Incentives Fund under § 5–307 of the Natural Resources Article.

21 SECTION 4. AND BE IT FURTHER ENACTED, That:

22 (a) The Governor is requested to establish a task force to develop a specific
23 plan of policies, programs, and other actions necessary to achieve and maintain a
24 policy of no net loss of forests as prescribed in Title 5, Subtitle 1 of the Natural
25 Resources Article.

26 (b) The task force shall consist of representatives from the Departments of
27 Natural Resources, Agriculture, and Planning as well as representatives from other
28 organizations including forest landowners, local governments, the development
29 community, the forest products industry, the agricultural community, the forest
30 conservancy district boards, and nonprofit organizations with expertise in forest
31 conservation.

32 (c) The Department of Natural Resources shall provide staff support for the
33 task force.

34 (d) The task force shall report its findings and recommendations to the
35 Governor on or before December 1, 2008, for consideration of any necessary legislation
36 during the 2009 Session of the General Assembly.

1 SECTION 5. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall
2 take effect June 1, 2008. It shall remain effective for a period of 1 year and 1 month
3 and, at the end of June 30, 2009, with no further action required by the General
4 Assembly, Section 4 of this Act shall be abrogated and of no further force and effect.

5 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
6 Section 5 of this Act, this Act shall take effect October 1, 2008.