

CHAPTER 104

(House Bill 972)

AN ACT concerning

Forest Conservation – Reporting and Enforcement

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

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1612 and 5–1613
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)

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

Article – Natural Resources

5–1612.

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

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

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

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

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

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

(E) A LOCAL AUTHORITY ~~ENGAGING IN CONDUCTING~~ ENFORCEMENT ACTIVITY IN ACCORDANCE WITH ~~THE PROVISIONS OF THIS SECTION OR § 5-1608(C) OF THIS SUBTITLE~~ SHALL GIVE NOTICE TO THE DEPARTMENT WITHIN 15 DAYS AFTER THE COMMENCEMENT OF THE ENFORCEMENT ACTIVITY.

5-1613.

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

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

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

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

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

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

(6) THE NUMBER, LOCATION, AND TYPE OF VIOLATIONS AND TYPE OF ENFORCEMENT ~~UNDERTAKEN~~ ACTIVITY CONDUCTED IN ACCORDANCE WITH ~~THE PROVISIONS OF THIS SUBTITLE~~; AND

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

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

Approved by the Governor, April 8, 2008.