

HOUSE BILL 765

M1

9lr0393

By: **Delegates Cardin, Hubbard, Morhaim, and Stein**

Introduced and read first time: February 11, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Land Available for Tree Planting – Database**

3 FOR the purpose of requiring the Department of Natural Resources to establish a
4 database of certain land that is available and appropriate for certain tree
5 planting; requiring the Department to make the database available to the
6 general public free of charge; requiring the database to classify certain land in a
7 certain manner and identify sensitive areas on certain lands; requiring the
8 Department to establish a certain tree planting program for land recorded in
9 the database that gives priority to planting in sensitive areas; requiring the
10 Department to record certain land in the database and to solicit certain other
11 persons to record land in the database; requiring the Department to plant trees
12 on land recorded in the database to a certain extent and to solicit certain other
13 persons to fund, support, or implement tree planting projects on land recorded
14 in the database; authorizing the Department to adopt regulations to implement
15 this Act; and generally relating to a database of land available for tree planting
16 in the State.

17 BY adding to

18 Article – Natural Resources

19 Section 5–104

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2008 Supplement)

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

24 **Article – Natural Resources**

25 **5–104.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**
2 **PLANNING AND LOCAL JURISDICTIONS, SHALL:**

3 **(1) ESTABLISH A DATABASE OF PUBLIC AND PRIVATE LAND IN**
4 **THE STATE, INCLUDING LAND IN URBAN AREAS, THAT IS APPROPRIATE AND**
5 **AVAILABLE FOR AFFORESTATION, REFORESTATION, AND OTHER TREE**
6 **PLANTING; AND**

7 **(2) MAKE THE DATABASE AVAILABLE TO THE GENERAL PUBLIC**
8 **FREE OF CHARGE.**

9 **(B) THE DATABASE ESTABLISHED UNDER THIS SECTION SHALL:**

10 **(1) CLASSIFY LAND IN THE DATABASE BY COUNTY AND**
11 **WATERSHED; AND**

12 **(2) IDENTIFY THE LOCATION AND ACREAGE OF THE FOLLOWING**
13 **SENSITIVE AREAS ON LAND IN THE DATABASE:**

14 **(I) 100-YEAR FLOODPLAINS;**

15 **(II) INTERMITTENT AND PERENNIAL STREAMS AND OTHER**
16 **WATERWAYS AND THE ACCOMPANYING BUFFERS;**

17 **(III) STEEP SLOPES;**

18 **(IV) CRITICAL HABITAT AREAS;**

19 **(V) THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**
20 **CRITICAL AREA;**

21 **(VI) CONTIGUOUS FOREST THAT CONNECTS EXISTING**
22 **FOREST TRACTS; AND**

23 **(VII) AREAS ADJACENT TO EXISTING FORESTLAND.**

24 **(C) (1) THE DEPARTMENT SHALL:**

25 **(I) ESTABLISH A TREE PLANTING PROGRAM FOR LAND**
26 **RECORDED IN THE DATABASE THAT GIVES PRIORITY TO PLANTING IN SENSITIVE**
27 **AREAS;**

28 **(II) 1. RECORD APPROPRIATE STATE LAND UNDER ITS**
29 **JURISDICTION INTO THE DATABASE; AND**

1 **2. SOLICIT OTHER UNITS OF STATE GOVERNMENT,**
2 **LOCAL JURISDICTIONS, AND PRIVATE LANDOWNERS TO RECORD STATE, LOCAL,**
3 **AND PRIVATE LAND INTO THE DATABASE;**

4 **(III) PLANT TREES ON LAND RECORDED IN THE DATABASE**
5 **TO THE MAXIMUM EXTENT POSSIBLE IN ACCORDANCE WITH THE STATE**
6 **BUDGET; AND**

7 **(IV) SOLICIT INTERESTED NONPROFIT ORGANIZATIONS,**
8 **EDUCATIONAL INSTITUTIONS, LOCAL JURISDICTIONS, OR OTHER PERSONS TO**
9 **FUND, SUPPORT, OR IMPLEMENT TREE PLANTING PROJECTS ON LAND**
10 **RECORDED IN THE DATABASE.**

11 **(2) IN SOLICITING LANDOWNERS UNDER PARAGRAPH (1)(II)2 OF**
12 **THIS SUBSECTION, THE DEPARTMENT SHALL TARGET:**

13 **(I) PERSONS WHO PARTICIPATE IN THE FOREST**
14 **CONSERVATION AND MANAGEMENT PROGRAM UNDER § 8-211 OF THE**
15 **TAX – PROPERTY ARTICLE;**

16 **(II) PERSONS WHO HAVE CREATED A FOREST MITIGATION**
17 **BANK UNDER § 5-1610.1 OF THIS TITLE; AND**

18 **(III) COUNTIES OR MUNICIPAL CORPORATIONS THAT HAVE**
19 **FOREST ENHANCEMENT OR URBAN AND COMMUNITY FORESTRY PROGRAMS.**

20 **(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
21 **SECTION.**

22 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
23 **October 1, 2009.**