

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1224 (Delegate Conway, *et al.*)
Environmental Matters

Natural Resources - Forest Conservation Act - Alterations to Exceptions

This bill modifies the Forest Conservation Act to (1) expand the exemptions for forest clearing associated with a single lot, a linear project, and a dwelling house to a maximum disturbance of 40,000 (instead of 20,000) square feet of forest; and (2) extend an exemption for construction of dwelling houses to an owner's grandchildren.

Fiscal Summary

State Effect: The bill is not expected to materially affect State Forest Conservation Fund fee-in-lieu revenues.

Local Effect: Local forest conservation fund fee-in-lieu revenues may decrease in FY 2012 and subsequent years; however, any decrease is anticipated to be minimal.

Small Business Effect: Minimal.

Analysis

Current Law: Enacted in 1991, the Forest Conservation Act provides a set of minimum standards that developers must follow when designing a new project that affects forest land. Local governments are responsible for making sure these standards are met, but they may choose to implement even more stringent criteria. If there is no local agency in place to review development plans, the Department of Natural Resources (DNR) does so. In general, the Act calls for a minimum amount of forest cover on development sites based upon the site's zoning. The Act applies, subject to enumerated exceptions, to any public or private development requiring a subdivision plan, grading permit, or sediment

control permit that is to apply on 40,000 square feet (approximately 0.9 acres) or greater of land.

Among other things, Chapter 298 of 2009 modified the Forest Conservation Act to (1) limit the exemptions for forest clearing associated with a single lot, a linear project, and a dwelling house to a maximum disturbance of 20,000 (instead of 40,000) square feet of forest; and (2) limit the exemption for construction of dwelling houses to owners and their children, eliminating authority for an owner's grandchildren.

DNR administers the State Forest Conservation Fund to facilitate afforestation or reforestation requirements when an applicant cannot reasonably accomplish these requirements on- or off-site. In addition, a local approval authority may establish and administer a local forest conservation fund to apply in that local jurisdiction instead of the State fund. A State or local forest conservation fund consists of payments made by an applicant in lieu of performance of afforestation or reforestation requirements and penalties collected for noncompliance with a forest conservation program, a forest conservation plan, or an associated two-year management agreement.

Background: A No Net Loss of Forest Task Force was established by Chapter 176 of 2008 to (1) develop a specific plan, including programs and other necessary actions, to achieve and maintain a no net loss of forest; and (2) draft legislation for the 2009 session to ensure that there is a process to achieve a no net loss of forest in the State beginning in 2010. The task force completed a final report in January 2009 that made a variety of recommendations. Chapter 298 of 2009 was a direct result of the task force's report.

There is some concern that Chapter 298 of 2009 established requirements that (1) make it too burdensome to construct a home in wooded areas; and (2) serve as a disincentive for grandchildren to return to family farms.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2011
mlm/lgc

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