

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 623 (Delegate Smigiel, *et al.*)  
Environmental Matters

---

Environment - Sediment Control - Agricultural Land Management Practices

---

This bill defines “agricultural land management practices” as it applies to an existing exemption from the Sediment Control subtitle of the Environment Article.

---

Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State operations or finances.

**Local Effect:** The bill is not anticipated to materially affect local operations or finances.

**Small Business Effect:** Potential meaningful.

---

Analysis

**Bill Summary:** “Agricultural land management practices” is defined as those methods and procedures used in the *preparation* and cultivation of land in order to further crop and livestock production, *commercial agriculture cultivation*, *nursery production*, *including containerized growing stock*, and any necessary conservation of related soil and water resources; the definition does not include logging and timber removal operations.

**Current Law/Background:** The Sediment Control subtitle of the Environment Article does not apply to agricultural land management practices or the construction of agricultural structures. “Agricultural land management practices” is not defined in statute, but is defined by State regulation as “those methods and procedures used in the cultivation of land in order to further crop and livestock production, and conservation of related soil and water resources.” Logging and timber removal operations are excluded from the definition. Therefore, the difference in the definition of agricultural land

management practices between current regulations and the bill is the inclusion of “commercial agriculture cultivation, nursery production, including containerized growing stock,” and also the “preparation” of land.

The appropriate approval authority, generally a local soil conservation district, must approve a sediment control plan before a person begins any land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or other disturbing of at least 5,000 square feet of land for any purpose other than agricultural land management practices and agricultural best management practices.

**Small Business Effect:** The bill may result in a meaningful beneficial impact on small business wholesale and retail garden centers, nurseries, and similar businesses due to the exemption from sediment control regulations and permitting requirements. According to the U.S. Census Bureau, there are 45 flower, nursery stock, and florist supply merchant wholesalers and 179 nursery, garden center, and farm supply retailers with fewer than 50 employees in Maryland. It is unclear how many such businesses benefit from the bill’s exemption.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Agriculture, Department of Natural Resources, Maryland Department of the Environment, U.S. Census Bureau, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2013  
mc/lgc

---

Analysis by: Evan M. Isaacson

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510