

# SENATE BILL 29

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(PRE-FILED)

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By: **Senator Pinsky**

Requested: July 27, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Forest Conservation Act – Forest Conservation Thresholds**  
3 **and Reforestation Requirements**

4 FOR the purpose of clarifying the authority of certain units of local government to adopt  
5 certain forest conservation thresholds and reforestation requirements that are more  
6 stringent than certain forest conservation thresholds and reforestation requirements  
7 in State law; and generally relating to forest conservation thresholds and  
8 reforestation requirements under the Forest Conservation Act.

9 BY repealing and reenacting, with amendments,  
10 Article – Natural Resources  
11 Section 5–1606  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2016 Supplement)

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

16 **Article – Natural Resources**

17 5–1606.

18 (a) (1) For the following land use categories, tracts having less than 20% of the  
19 net tract area in forest cover shall be afforested up to 20% of the net tract area:

20 (i) Agriculture and resource areas; and

21 (ii) Medium density residential areas.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) For the following land use categories, tracts having less than 15% of the  
2 net tract area in forest cover shall be afforested up to 15% of the net tract area:

3 (i) Institutional development areas;

4 (ii) High density residential areas;

5 (iii) Mixed use and planned unit development areas; and

6 (iv) Commercial and industrial use areas.

7 (3) Afforestation requirements must conform to the conditions in §§ 5–1607  
8 and 5–1610 of this subtitle, including payment into the Forest Conservation Fund, if  
9 afforestation on–site or off–site cannot be reasonably accomplished.

10 (4) (i) The afforestation requirements under this subsection shall be  
11 accomplished within 1 year or 2 growing seasons after the completion of the development  
12 project.

13 (ii) If afforestation cannot be reasonably accomplished on–site or  
14 off–site, the requirement to contribute money to a Forest Conservation Fund under §  
15 5–1610 of this subtitle shall be met within 90 days after the completion of the development  
16 project.

17 (5) Linear projects that involve no change in land use may not be subject  
18 to afforestation requirements.

19 (b) There is a forest conservation threshold established for all land use categories  
20 as provided in subsection (c) of this section. The forest conservation threshold means the  
21 percentage of the net tract area at which the reforestation requirement changes from a  
22 ratio of 1/4 acre planted for every 1 acre removed to a ratio of 2 acres planted for every 1  
23 acre removed.

24 (c) After every reasonable effort to minimize the cutting or clearing of trees and  
25 other woody plants is exhausted in the development of a subdivision plan and grading and  
26 sediment control activities and implementation of the forest conservation plan, the forest  
27 conservation plan shall provide for reforestation, or payment into the Forest Conservation  
28 Fund, according to the formula set forth in subsection (b) of this section and consistent with  
29 the following forest conservation thresholds for the applicable land use category:

30 (1) Agricultural and resource areas: 50% of net tract area;

31 (2) Medium density residential areas: 25% of net tract area;

32 (3) Institutional development areas: 20% of net tract area;

33 (4) High density residential areas: 20% of net tract area;

1                   (5)   Mixed use and planned unit development areas: 15% of net tract area;  
2 and

3                   (6)   Commercial and industrial use areas: 15% of net tract area.

4           (d)   (1)   Subject to the provisions of paragraph (2) of this subsection, for all  
5 existing forest cover measured to the nearest 1/10 acre cleared on the net tract area above  
6 the applicable forest conservation threshold, the area of forest removed shall be reforested  
7 at a ratio of 1/4 acre planted for every 1 acre removed.

8                   (2)   Each acre of forest retained on the net tract area above the applicable  
9 forest conservation threshold shall be credited against the total number of acres required  
10 to be reforested under paragraph (1) of this subsection.

11           (e)   For all existing forest cover measured to the nearest 1/10 acre cleared on the  
12 net tract area below the applicable forest conservation threshold, the area of forest removed  
13 shall be reforested at a ratio of 2 acres planted for every 1 acre removed.

14           (f)   (1)   The reforestation requirements under this section shall be  
15 accomplished within 1 year or 2 growing seasons after completion of the development  
16 project.

17                   (2)   If reforestation cannot be reasonably accomplished on-site or off-site,  
18 the requirement to contribute money to a Forest Conservation Fund under § 5-1610 of this  
19 subtitle shall be met within 90 days after completion of the development project.

20           **(G)   A UNIT OF LOCAL GOVERNMENT WITH PLANNING AND ZONING**  
21 **AUTHORITY MAY ADOPT FOREST CONSERVATION THRESHOLDS AND**  
22 **REFORESTATION REQUIREMENTS AS PART OF ITS LOCAL FOREST CONSERVATION**  
23 **PROGRAM THAT ARE MORE STRINGENT THAN THE FOREST CONSERVATION**  
24 **THRESHOLDS AND REFORESTATION REQUIREMENTS IN THIS SECTION.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2017.