HOUSE BILL 884

ENROLLED BILL
— Environment and Transportation/Education, Health, and Environmental Affairs —

Introduced by Delegates Gilchrist, Foley, and Lierman, Amprey, Barve, Boyce, Fraser–Hidalgo, Healey, Holmes, Jalisi, Lehman, Love, Ruth, Stein, Stewart, and Wells

Read and Examined by Proofreaders:

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Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this ______ day of ____________ at ________________ o’clock, ______M.

_______________________________________________
Speaker.

CHAPTER ______

1 AN ACT concerning

2 State Conservation Land – Old–Growth Forests – Protection Management

3 FOR the purpose of establishing protections for old–growth forests located on State conservation land requiring the Department of Natural Resources to manage certain State conservation land in a certain manner under certain circumstances; providing that nothing in this Act may be interpreted to prohibit the Department from taking certain actions to protect old–growth forest from certain harms subject to certain conditions; and generally relating to old–growth forests.

4 BY adding to

5 Article – Natural Resources

6 Section 1–406

7 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

{[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strikeout indicates matter stricken from the bill by amendment or deleted from the law by amendment.
Italics indicate opposite chamber/conference committee amendments.
Preamble

WHEREAS, The State of Maryland recognizes the unique cultural and ecological benefits of preserving old-growth forests; and

WHEREAS, At present, many of the old-growth forests located on land preserved under the State’s land conservation programs lack formal protection; now, therefore,

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

Article – Natural Resources

1–406.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “OLD–GROWTH FOREST” MEANS A FOREST:

   (I) AT LEAST 5 ACRES IN SIZE WITH A PREPONDERANCE OF OLD TREES, OF WHICH THE OLDEST EXCEED AT LEAST HALF THE PROJECTED MAXIMUM ATTAINABLE AGE FOR THE SPECIES; AND

   (II) THAT EXHIBITS SEVERAL OF THE FOLLOWING CHARACTERISTICS:

       1. SHADE–TOLERANT SPECIES ARE PRESENT IN ALL AGE AND SIZE CLASSES;

       2. RANDOMLY DISTRIBUTED CANOPY GAPS ARE PRESENT;

       3. A HIGH DEGREE OF STRUCTURAL DIVERSITY CHARACTERIZED BY MULTIPLE GROWTH LAYERS REFLECTING A BROAD SPECTRUM OF AGES IS PRESENT;

       4. AN ACCUMULATION OF DEAD WOOD OF VARYING SIZES AND STAGES OF DECOMPOSITION ACCOMPANIED BY DECADENCE IN LIVE DOMINANT TREES IS PRESENT; AND

       5. PIT AND MOUND TOPOGRAPHY CAN BE OBSERVED.
(3) "State conservation land" means land that is protected under a land conservation program administered by the Department or the Maryland Environmental Trust.

(ii) "State conservation land" includes means:

1. (I) State parks; and
2. State forest reserves;
3. (II) Wildlife management areas; and

(iii) Natural resources management areas;

4. Natural resources management areas;
5. State wildlands; and
6. Land subject to a conservation easement:
   A. Within a designated Rural Legacy Area;
   B. Held by the Maryland Environmental Trust;
   or
   C. Funded under Program Open Space.

(B) Whenever the Department or the Maryland Environmental Trust identifies an old-growth forest on State conservation land, the land shall be managed in a manner that: prohibits logging.

(1) Minimizes disturbance to the old-growth forest;
(2) Prioritizes passive recreational opportunities;
(3) Prohibits logging or the construction of public amenities within the old-growth forest; and
(4) Minimizes risks to the old-growth forest posed by disease and invasive species.

(C) Nothing in this section may be interpreted to prohibit the Department from taking actions to protect old-growth forest from fire, animals, insects, disease, and erosion in a manner that has minimal
ADVERSE EFFECTS ON THE ECOSYSTEM AND SUBJECT TO CONDITIONS THE
SECRETARY CONSIDERS NECESSARY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.