

HOUSE BILL 884

M1

(2lr1442)

ENROLLED BILL

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

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

Read and Examined by Proofreaders:

Proofreader.

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~~
4 ~~conservation land~~ requiring the Department of Natural Resources to manage certain
5 State conservation land in a certain manner under certain circumstances; *providing*
6 *that nothing in this Act may be interpreted to prohibit the Department from taking*
7 *certain actions to protect old-growth forest from certain harms subject to certain*
8 *conditions*; and generally relating to old-growth forests.

9 BY adding to
10 Article – Natural Resources
11 Section 1-406
12 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



(2018 Replacement Volume and 2021 Supplement)

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.

1 (3) ~~(I) "STATE CONSERVATION LAND" MEANS LAND THAT IS~~
 2 ~~PROTECTED UNDER A LAND CONSERVATION PROGRAM ADMINISTERED BY THE~~
 3 ~~DEPARTMENT OR THE MARYLAND ENVIRONMENTAL TRUST.~~

4 ~~(II)~~ "STATE CONSERVATION LAND" ~~INCLUDES~~ MEANS:

5 ~~1. (I) STATE PARKS; AND~~

6 ~~2. STATE FOREST RESERVES;~~

7 ~~3. (II) WILDLIFE MANAGEMENT AREAS; AND~~

8 ~~(III) NATURAL RESOURCES MANAGEMENT AREAS;~~

9 ~~4. NATURAL RESOURCES MANAGEMENT AREAS;~~

10 ~~5. STATE WILDLANDS; AND~~

11 ~~6. LAND SUBJECT TO A CONSERVATION EASEMENT;~~

12 ~~A. WITHIN A DESIGNATED RURAL LEGACY AREA;~~

13 ~~B. HELD BY THE MARYLAND ENVIRONMENTAL TRUST;~~

14 ~~OR~~

15 ~~C. FUNDED UNDER PROGRAM OPEN SPACE.~~

16 (B) ~~WHENEVER THE DEPARTMENT OR THE MARYLAND ENVIRONMENTAL~~
 17 ~~TRUST IDENTIFIES AN OLD-GROWTH FOREST ON STATE CONSERVATION LAND, THE~~
 18 ~~LAND SHALL BE MANAGED IN A MANNER THAT:~~ PROHIBITS LOGGING.

19 ~~(1) MINIMIZES DISTURBANCE TO THE OLD-GROWTH FOREST;~~

20 ~~(2) PRIORITIZES PASSIVE RECREATIONAL OPPORTUNITIES;~~

21 ~~(3) PROHIBITS LOGGING OR THE CONSTRUCTION OF PUBLIC~~
 22 ~~AMENITIES WITHIN THE OLD-GROWTH FOREST; AND~~

23 ~~(4) MINIMIZES RISKS TO THE OLD-GROWTH FOREST POSED BY~~
 24 ~~DISEASE AND INVASIVE SPECIES.~~

25 (C) NOTHING IN THIS SECTION MAY BE INTERPRETED TO PROHIBIT THE
 26 DEPARTMENT FROM TAKING ACTIONS TO PROTECT OLD-GROWTH FOREST FROM
 27 FIRE, ANIMALS, INSECTS, DISEASE, AND EROSION IN A MANNER THAT HAS MINIMAL

1 ADVERSE EFFECTS ON THE ECOSYSTEM AND SUBJECT TO CONDITIONS THE
2 SECRETARY CONSIDERS NECESSARY.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.