

Annotated Code of Maryland
(1990 Replacement Volume and 1996 Supplement)

Preamble

WHEREAS, State lawmakers in 1984 recognized the importance of fostering more sensitive development activity along the shoreline areas of the Chesapeake Bay and its tributaries, from the standpoint of protecting and preserving water quality and natural habitats, with the adoption of the Chesapeake Bay Critical Area Protection Act; and

WHEREAS, This milestone policy imposed several development-related performance standards within the "Critical Area" aimed at helping achieve the inherent goals of the Act;

WHEREAS, One of the unintended restrictive provisions associated with the enabling Act and its accompanying criteria prohibited timber harvesting within the landward 50 feet of the 100-foot buffer area when it was determined that overlapping Habitat Protection Area (HPAs) existed;

WHEREAS, The original intent of the enabling Act and the criteria was to allow some flexibility in this regard when it was determined that overlapping HPAs could be protected when State approved silvicultural practices were implemented;

WHEREAS, There have been numerous situations when it was believed that the prohibition of harvesting in the landward 50 feet of the 100-foot buffer was not essential to the protection of specific HPAs, and in certain cases, may have been counterproductive; but, existing language within the criteria does not allow the flexibility originally envisioned when overlapping HPAs exist; and

WHEREAS, The proposed change embodied in this Act would make the review and protection of all HPAs within the landward 50 feet of the 100-foot buffer the same as the review and protection of all HPAs outside of the 100-foot (or expanded) buffer—a change consistent with and responsive to the intent of the original enabling Act; now, therefore,

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

Article – Natural Resources

8-1808.7.

(A) COMMERCIAL HARVESTING OF TREES BY SELECTION, OR BY THE CLEAR-CUTTING OF LOBLOLLY PINE AND TULIP POPLAR, MAY BE ALLOWED TO WITHIN 50 FEET OF THE LANDWARD EDGE OF THE MEAN HIGH WATER LINE OF TIDAL WATERS AND PERENNIAL TRIBUTARY STREAMS, OR THE EDGE OF TIDAL WETLANDS, PROVIDED THAT THE CUTTING IS CONDUCTED IN CONFORMITY WITH COMAR 27.01.05 AND WITH A BUFFER MANAGEMENT PLAN THAT IS PREPARED BY A REGISTERED PROFESSIONAL FORESTER AND IS APPROVED BY THE DEPARTMENT.