

Article - Natural Resources

~~5-1610.1.~~

~~(a) The Department shall develop standards and adopt regulations for the creation and use of forest mitigation banks, including criteria for tracking, crediting, maintaining, bonding, and reporting mitigation bank activities.~~

~~(b) A local jurisdiction may develop procedures for establishing forest mitigation banks as part of its forest conservation program.~~

~~(c) Mitigation banks may be permitted only in priority areas as identified in § 5-1607(d) of this subtitle or as identified in a comprehensive plan adopted by a local jurisdiction.~~

~~(d) The establishment of mitigation banks and their use may not alter the sequence for retention, reforestation, or afforestation on a development site as outlined in § 5-1607 of this subtitle.~~

~~(e) Criteria established by local or State programs for the use and establishment of forest mitigation banks shall include protection and conservation in perpetuity of forest mitigation banks consistent with reasonable management plans, through methods that include easements, covenants, or similar mechanisms that shall be in place at the time credits are withdrawn.~~

~~(f) (1) THE DEPARTMENT SHALL ESTABLISH A 2-YEAR PILOT PROGRAM IN CARROLL AND FREDERICK COUNTIES THAT ALLOWS A PERSON TO USE FUNDS FROM THE FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM TO CREATE A FOREST MITIGATION BANK.~~

~~(2) THE PILOT PROGRAM SHALL ENCOURAGE THE PERMANENT PROTECTION OF HIGHLY SENSITIVE BUFFERS ON WORKING FARMLANDS AT A 1:1 MITIGATION RATIO.~~

~~(3) ON OR BEFORE OCTOBER 31, 2002, GUIDELINES FOR THE PILOT PROGRAM SHALL BE DEVELOPED BY A COMMITTEE THAT INCLUDES:~~

~~(I) TWO MEMBERS FROM THE DEPARTMENT OF NATURAL RESOURCES;~~

~~(II) ONE MEMBER FROM THE DEPARTMENT OF AGRICULTURE;~~

~~(III) ONE MEMBER FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE FARM SERVICE AGENCY;~~

~~(IV) ONE MEMBER FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCE CONSERVATION SERVICE;~~

~~(V) ONE MEMBER FROM EACH OF THE CARROLL AND FREDERICK CATOCTIN SOIL CONSERVATION DISTRICTS, AND~~

~~(VI) ONE MEMBER FROM THE CHESAPEAKE BAY FOUNDATION.~~