

~~(4) A MEMBER FROM THE DEPARTMENT OF NATURAL RESOURCES SHALL BE CHAIRMAN OF THE COMMITTEE.~~

~~(5) ON OR BEFORE DECEMBER 31, 2004, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY ON THE EFFECTIVENESS OF THE PILOT PROGRAM.~~

~~(G) This section may not be construed to require the Department or a local jurisdiction to:~~

~~(1) Establish or fund State or local mitigation banks;~~

~~(2) Fund the establishment of forest mitigation banking by the private sector; or~~

~~(3) Use State or local government land for forest mitigation banking.~~

~~[(g)]-(H) (1) Credits in a mitigation bank may not be approved for debiting until construction of the mitigation bank is complete.~~

~~(2) A mitigation bank shall maintain sufficient credits in reserve to cover anticipated expenses of completion of the mitigation bank.~~

5-1610.2.

(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE DEPARTMENT SHALL ESTABLISH A 2-YEAR PILOT PROGRAM THAT AUTHORIZES A LANDOWNER TO USE A FORESTED STREAM BUFFER ESTABLISHED UNDER A CONTRACT WITH THE FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM IN ORDER TO CREATE A FOREST RETENTION BANK.

(2) CARROLL COUNTY AND FREDERICK COUNTY SHALL ADMINISTER THE PILOT PROGRAM.

(B) THE GOALS OF THE PILOT PROGRAM ARE TO INCREASE THE NUMBER OF FORESTED STREAM BUFFERS IN THE STATE, TO ENHANCE THEIR QUALITY, AND TO ENSURE THEIR PERMANENT PROTECTION.

(C) A LANDOWNER MAY CREATE A FOREST RETENTION BANK IF:

(1) THE LAND IS NOT PROTECTED BY AN EXISTING CONSERVATION EASEMENT; AND

(2) THE LANDOWNER GRANTS A FOREST CONSERVATION EASEMENT TO THE DEPARTMENT THAT PROTECTS THE FOREST RETENTION BANK IN PERPETUITY.

(D) IF A TERM OR CONDITION OF THE LANDOWNER'S FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM CONTRACT IS IN CONFLICT WITH A TERM OR CONDITION OF THE FOREST CONSERVATION EASEMENT, THE TERM OR CONDITION OF THE FEDERAL CONSERVATION RESERVE ENHANCEMENT PROGRAM CONTRACT SHALL PREVAIL DURING THE TERM OF THE CONTRACT.

(E) MITIGATION THROUGH CREATION OF A FOREST RETENTION BANK SHALL BE CREDITED AT A RATE OF 2.5 ACRES PER EACH ACRE OF MITIGATION REQUIRED.