

**BALTIMORE COUNTY FOREST CONSERVATION LAW  
DECLARATION OF INTENT INSTRUCTIONS  
AGRICULTURAL AND FORESTRY ACTIVITIES**

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**Background**

The State-mandated Forest Conservation Law became effective in Baltimore County in January 1993. Included in the law is a list of activities that are exempt from the law under certain conditions, including those related to agricultural and forestry activities. The instructions below provide an explanation of procedures to be followed in order to obtain exemptions for these activities. Forms to be filled out and submitted to Baltimore County are attached to these instructions. Copies of pertinent sections of the Baltimore County Code, and the State Forest Conservation law and regulations, are also attached for informational purposes.

**What is a Declaration of Intent?**

A Declaration of Intent is a signed and notarized statement by a landowner or the landowner's agent on a form required by the Department of Environmental Protection and Sustainability (EPS), certifying that the activity on the landowner's property is for certain activities exempted under the Forest Conservation Law, does not circumvent the requirements of the Forest Conservation Law, and does not conflict with the purposes of any other Declaration of Intent.

**When should a Declaration of Intent be submitted?**

A Declaration of Intent is required when the aerial extent of a proposed agricultural or forestry activity impacts an area of forest one (1) acre or more in size. If a forest harvest is proposed, a Forestry Declaration of Intent must be filed prior to performing the harvest, and must be included as part of the forest harvest package submitted to the Soil Conservation District. If forest is proposed to be cleared, and the land will be converted from forest to agricultural use, an Agricultural Declaration of intent must be filed with EPS prior to removal of trees from the site, and must include a sketch plan showing the size and location of forest to be removed.

No Declaration of Intent is required for harvesting trees within a Forest Conservation Easement because the property has already complied with the Forest Conservation Law. However, harvesting is not allowed where there is an overlapping Forest Buffer Easement. Additionally, there may be development approval conditions that may preclude forest harvesting activities on the site. For this reason, EPS should be contacted before filing a forest harvest application for tree removal within a Forest Conservation Easement.

If the aerial extent of the proposed agricultural or forestry activity is less than one (1) acre in size, a landowner may request a Waiver of Declaration of Intent from EPS. The Waiver of Declaration of Intent must be filed prior to any forest impacts on the property, and must be accompanied by a sketch plan showing the size and location of forest to be impacted. The authority for EPS to implement this alternate exemption procedure is outlined in COMAR 08.19.01.05.I, which is attached to this document.

Landowners must receive written confirmation from EPS that an activity is exempt prior to proceeding with any impacts to a forest on a property. EPS may visit the site to verify existing conditions.

**What are the consequences of failing to file a Declaration of Intent?**

If forest cutting or clearing activities commence before filing a Declaration of Intent, or Waiver of Declaration of Intent, a landowner may be subject to enforcement action by EPS, as allowed by State and County laws and regulations. An exemption normally covered by a Declaration of Intent or Waiver will not be automatically approved if the form is filed with EPS after the forest impacts have occurred. Additionally, EPS will likely require mitigation for forest impacts, including establishment of permanent buffers and possible reforestation of some or all of the affected area.

**Who do I contact for more information?**

Department of Environmental Protection & Sustainability  
Environmental Impact Review Section  
111 West Chesapeake Avenue, Room 319  
Towson, MD 21204  
Phone: (410) 887-3980      Fax: (410) 887-4804

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## BALTIMORE COUNTY CODE

### Article 33. Environmental Protection and Sustainability

#### Title 6. Forest Conservation

##### §33-6-101. DEFINITIONS.

(a) *In general.* In this title the following words have the meanings indicated.

(b) *Agricultural activity.*

(1) (i) “Agricultural activity” means farming activities for production of food and fiber products, the grazing and raising of livestock, aquaculture, sod production, orchards, nurseries and other products cultivated as part of a recognized commercial enterprise and in accordance with a soil conservation and water quality plan approved by the Baltimore County Soil Conservation District.

(ii) “Agricultural activity” includes plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting.

(2) “Agricultural activity” does not include commercial logging and timber harvesting operations.

(d) *Agricultural support building.*

(1) “Agricultural support building” means a building necessary to sustain an agricultural activity.

(2) “Agricultural support building” does not include a human residence.

(h) *Commercial logging or timber harvesting operations.* “Commercial logging or timber harvesting operations” means the cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

(j) *Declaration of intent.* “Declaration of intent” means a signed and notarized statement by a landowner or the landowner's agent on a form required by the Department, certifying that the activity on the landowner's property:

- (1) Is for certain activities exempted under this title,
- (2) Does not circumvent the requirements of this title, and
- (3) Does not conflict with the purposes of any other declaration of intent.

(mm) *Regulated activity.* “Regulated activity” means any of the following activities when that activity occurs on a unit of land which is 40,000 square feet or greater and when the activity is not otherwise exempt under this title:

- (1) Subdivision;
- (2) Development, including construction;
- (3) Clearing, grubbing, and grading;
- (4) An activity that requires an erosion and sediment control approval;
- (5) Project plan of a county agency; or
- (6) Logging and timber harvesting operations.

**§33-6-103. SCOPE.**

(b) *Exceptions.* This title does not apply to:

(3) Commercial logging or timber harvesting operations, including harvesting conducted subject to the forest conservation and management program under § 8-211 of the Tax-Property Article of the Annotated Code of Maryland, that are completed after July 1, 1991:

(i) On property located within the urban-rural demarcation line and in accordance with a current forest conservation and management agreement or a forest management plan, either of which was accepted by the Department of Natural Resources before July 1, 1992, and which:

1. Has not been the subject of application for a grading or building permit for development within 5 years after the logging or harvesting operation; and

2. Is the subject of a declaration of intent approved by the Department; or

(ii) On property located beyond the urban-rural demarcation line and in accordance with a current forest conservation and management agreement, forest management plan, or forest stewardship resource conservation plan, any of which was approved by the Department of Natural Resources and the Department, and which:

1. Has not been the subject of application for a grading or building permit for development within 5 years after the logging or harvesting operation; and

2. Is the subject of a declaration of intent approved by the Department;

(4) Agricultural activities not resulting in a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices, except that a person engaging in an agricultural activity clearing 40,000 square feet or greater of forest within a 1-year period may not receive an agricultural exemption unless the person files a declaration of intent which includes:

(i) A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for 5 years after the date of the declaration; and

(ii) A sketch map of the property which shows the area to be cleared;

**§33-6-104. DECLARATION OF INTENT.**

(a) *Purpose.* The purpose of the declaration of intent is to verify that the proposed activity is exempt from the provisions of this title.

(b) *Required.* A person seeking an exemption under § 33-6-103(b)(3), (4), (10), (13) or (20) of this title shall file a declaration of intent with the Department.

(c) *Effective period.* The declaration of intent is effective for 5 years.

(d) *Nonpreclusion.* The existence of a declaration of intent does not preclude another exempted activity on the property subject to a declaration of intent, if the activity:

(1) Does not conflict with the purpose of any existing declaration of intent; and

(2) Complies with the applicable requirements for an exempted activity.

(e) *Regulated activity.* If a regulated activity occurs on the area covered by the declaration of intent within 5 years after the effective date of the declaration of intent:

(1) There shall be an immediate loss of exemption; or

(2) There may be a noncompliance action taken by the Department, as appropriate, under this title.

(f) *Regulated activities authorized.* An applicant may apply for a regulated activity on that area of the property not covered under the declaration of intent if the applicant complies with the requirements of this title.

(g) *Failure to file.* The Department may require a person who fails to file a declaration of intent or who is found in noncompliance with a declaration of intent to:

(1) Comply with the retention, afforestation, and reforestation requirements established in this title;

(2) Pay a noncompliance fee of \$1.20 per square foot of forest cut or cleared under the declaration of intent;

(3) Be subject to other enforcement actions appropriate under this title; and

(4) File a declaration of intent with the Department.

(h) *Consideration for enforcement.* In its determination of appropriate enforcement action, the Department may consider whether failure to file a declaration of intent by a person required to file was intentional and willful.

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**ANNOTATED CODE OF MARYLAND  
NATURAL RESOURCES**

**Title 5. Forest and Parks**

**Subtitle 16. Forest Conservation**

**§ 5-1601. Definitions**

(a) In general. -- In this subtitle the following words have the meanings indicated.

(c) Agricultural activity. -- "Agricultural activity" means farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nursery, and other products cultivated as part of a recognized commercial enterprise.

(g) Commercial logging or timber harvesting operations. -- "Commercial logging or timber harvesting operations" means the cutting and removing of tree stems from a site for commercial purposes, leaving the root mass intact.

(k) Forest. --

(1) "Forest" means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.

(2) "Forest" includes:

(i) Areas that have at least 100 trees per acre with at least 50% of those trees having a 2 inch or greater diameter at 4.5 feet above the ground and larger; and

(ii) Forest areas that have been cut but not cleared.

(3) "Forest" does not include orchards.

**§ 5-1602. Applicability of subtitle**

(a) In general. -- Except as provided in subsection (b) of this section, this subtitle shall apply to any public or private subdivision plan or application for a grading or sediment control permit by any person, including a unit of State or local government on areas 40,000 square feet or greater.

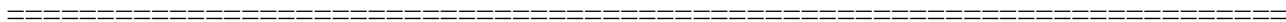
(b) Exceptions generally. -- The provisions of this subtitle do not apply to:

(3) Commercial logging and timber harvesting operations, including any harvesting conducted under the forest conservation and management program under § 8-211 of the Tax - Property Article:

(i) That were completed before July 1, 1991; or

(ii) That were completed on or after July 1, 1991 on property that is not the subject of an application for a grading permit for development within 5 years after the logging or harvesting operation. However, after this 5-year period, the property shall be subject to this subtitle;

(4) Any agricultural activity that does not result in a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices;



**CODE OF MARYLAND REGULATIONS (COMAR)**

**Title 08: Department of Natural Resources**

**Subtitle 19: Forest Conservation**

**COMAR 08.19.01.03**

**.03 Definitions.**

A. The terms in §B of this regulation have the meanings indicated. Terms used in this subtitle apply to both the local program and the State program. Terms not defined in this regulation have the meanings given to them in Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland.

B. Terms Defined.

(2) "Agricultural support building" means a building other than a human residence necessary to sustain an agricultural activity.

(12) "Declaration of intent" means a document required under Regulation .05 of this chapter which is a signed and notarized statement by a landowner or the landowner's agent certifying that the activity on the landowner's property:

(a) Is for certain activities exempted under this subtitle or Natural Resources Article, §§5-103 and 5-1601— 5-1612, Annotated Code of Maryland;

(b) Does not circumvent the requirements of this subtitle or Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland; and

(c) Does not conflict with the purposes of any other declaration of intent.

(42) Timber Harvesting.

(a) "Timber harvesting" means a tree-cutting operation affecting 1 or more acres of forest or developed woodland within a 1-year interval that disturbs 5,000 square feet or more of forest floor.

(b) "Timber harvesting" does not include grubbing and clearing of root mass.

#### ***COMAR 08.19.01.04***

##### **.04 Application.**

A. Exemptions. The provisions of this subtitle do not apply to:

(3) Commercial logging and timber harvesting operations, including harvesting subject to the forest conservation and management program under Tax-Property Article, §8-211, Annotated Code of Maryland, that are completed on or after July 1, 1991, on property which:

(a) Has not been the subject of an application for a grading permit for development within 5 years after the logging or timber harvesting operation, and after which time the property shall be subject to this subtitle; and

(b) Is the subject of a declaration of intent as provided for in Regulation .05 of this chapter which includes a sketch map of the property showing the area to be harvested;

(4) Agricultural activities not resulting in a change in land use category, including agricultural support buildings and other related structures built using accepted best management practices, except that a person who is engaging in an agricultural activity clearing 40,000 square feet or greater of forest within a 1-year period may not receive an agricultural exemption unless the person files a declaration of intent as provided for in Regulation .05 of this chapter which includes:

(a) A statement that the landowner or landowner's agent will practice agriculture on that portion of the property for 5 years from the date of the declaration; and

(b) A sketch map of the property, which shows the area to be cleared;

#### ***COMAR 08.19.01.05***

##### **.05 Declaration of Intent.**

A. The purpose of the declaration of intent is to verify that the proposed activity is exempt under Natural Resources Article, §§5-103 and 5-1601—5-1612, Annotated Code of Maryland, and this subtitle.

B. A person seeking an exemption under Regulation .04A(3), (4), (8), (11), and (15) shall file a declaration of intent with the approving authority.

C. The declaration of intent is effective for 5 years.

D. The existence of a declaration of intent does not preclude another exempted activity on the property subject to a declaration of intent, if the activity:

- (1) Does not conflict with the purpose of any existing declaration of intent; and
- (2) Complies with the applicable requirements for an exempted activity.

E. If a regulated activity on the area covered by the declaration of intent occurs within 5 years of the effective date of the declaration of intent:

- (1) There shall be an immediate loss of exemption; and
- (2) There may be a noncompliance action taken by the Department or local authority, as appropriate, under this subtitle.

F. An applicant may apply for a regulated activity on that area of the property not covered under the declaration of intent if the requirements of this subtitle are satisfied.

G. The Department or local authority may require a person failing to file a declaration of intent or found in noncompliance with a declaration of intent to:

- (1) Meet the requirements in this subtitle for a regulated activity;
- (2) Pay a noncompliance fee of 30 cents per square foot of forest cut or cleared under the declaration of intent; **(Note: The noncompliance fee in Baltimore County is \$1.20 per square foot of forest cut or cleared, per the Baltimore County Code).**
- (3) Be subject to other enforcement actions appropriate under Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, or this subtitle; or
- (4) File a declaration of intent with the Department or local authority.

H. In its determination of appropriate enforcement action, the Department or local authority may consider whether failure to file a declaration of intent by a person required to file is a knowing violation of this subtitle.

I. A local program may substitute for the declaration of intent a procedure that assures that exempted activities do not circumvent the requirements of Natural Resources Article, §§5-1601—5-1612, Annotated Code of Maryland, or this subtitle.

J. Commercial Logging and Timber Harvesting. The requirement for a declaration of intent may be satisfied by a forest management plan for the entire tract prepared by a forester licensed in Maryland according to Business Occupations and Professions Article, Title 7, Annotated Code of Maryland, which outlines management practices needed to meet the stated objectives for a minimum of 5 years.

K. Agricultural Activities or Commercial Logging and Timber Harvesting. A declaration of intent may be part of an amended sediment and erosion control plan which ensures that the activity meets the conditions for an exemption as stated in Regulation .04A(3) or (4) of this chapter.

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