

"Federation Corner" column  
The Montgomery Sentinel - January 3, 2013

### **County legislation designed to protect trees**

by Ginny Barnes  
MCCF Environmental Chair

In mid-January the County Council will hold a public hearing on two pieces of legislation designed to provide greater protection to trees in the county. And earlier in the same week, delegates to the Civic Federation will consider and vote on a resolution that will provide a basis of support for the two bills.

It has been a long time coming but more than two years after the Department of Environmental Protection offered to draft tree legislation, the County Executive has finally sent an urban tree bill--Bill 35-12, the Montgomery County Urban Canopy Bill--to the County Council. The purpose of this bill is to discourage the common practice of clearing trees from small lots during redevelopment.

Unlike the County Forest Conservation Law in effect since 1992, which addresses protection of forest stands on large lots, Bill 35-12 focuses on the continued canopy depletion in urban areas and close-in suburbs where the loss of individual and small stands of trees has been both significant and cumulative. The bill would require that fees be collected whenever tree canopy is disturbed on any lot where a sediment control permit is required. Disturbance of 5,000 square feet or more triggers the requirement to obtain a sediment control permit. The fees collected will be paid directly into a mitigation fund and used to plant native trees in the same sub-watershed where canopy is lost.

While Montgomery County has an overall canopy cover of roughly 50%, some of the most urban parts of the County are down to as low as 8% and continuing to decline. The 50% overall canopy is a testament to the success of our Forest Conservation Law and the ability to find mitigation sites, particularly in the Agricultural Reserve. But canopy cover has suffered in older downcounty communities where redevelopment and stormwater management requirements have taken out large specimen trees without providing mitigation or replacement species.

A second piece of Council legislation--Bill 41-12, the Montgomery County Streets and Roadside Tree Protection Bill--was introduced by Council members Berliner and Elrich. This bill would require a county permit for any work in the public right-of-way (this is usually the strip of land between the street and any private property line) that will damage trees. The Department of Permitting Services (DPS) would work with the Chief of Tree Maintenance in the County Department of Transportation (DOT) to determine if a tree can be saved, and if not then the applicant would contribute to a tree fund to insure replacement.

A public hearing before the County Council on both bills is scheduled for January 17th. I urge all community leaders and interested individuals to call 240-777-7803 and sign up to testify in support of both bills.

At their next monthly meeting scheduled for the evening of January 14, Civic Federation delegates will consider and vote on the following resolution that will provide a basis for MCCF support of the two pieces of tree-related Council legislation.

### **Resolution on Forest and Tree Protection**

Whereas Montgomery makes a significant contribution to the health of the Anacostia and Potomac Rivers and the Chesapeake Bay; and

Whereas forest and tree cover has long been recognized as invaluable ecological and public health assets; cleaning our atmosphere by intercepting airborne particles, carbon dioxide, and other greenhouse gases, attenuating stormwater runoff, filtering groundwater and contributing to a clean public water supply, cooling and reducing energy consumption and mitigating climate change,; and

Whereas, despite the existence of the County Forest Conservation Law, overall tree canopy is declining on an average of 2% a year nationwide, and in Montgomery County urban areas are especially depleted; and

Whereas, in the interest of both ecological and public health, the County needs to increase tree and forest canopy cover whenever and wherever possible;

Therefore, be it resolved that the Montgomery County Civic Federation urges County and State governments to facilitate and expand efforts to protect and increase tree canopy on both public and private lands.

*The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to [theelms518@earthlink.net](mailto:theelms518@earthlink.net)*