



February 26, 2021

## Written Comments for Montgomery County's Climate Action Plan<sup>1</sup>

**Submitted by Denisse Guitarra**

Maryland Conservation Advocate, Audubon Naturalist Society (ANS)

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Dear Montgomery County Executive and Montgomery County Department of Environmental Protection,

For 124 years, Audubon Naturalist Society has inspired people to enjoy, learn about and protect nature. We thank the Montgomery County Executive for the opportunity to provide written comments for Montgomery County's Climate Action Plan (CAP). Overall, we have five overarching concerns that apply across the whole draft CAP. These concerns are:

- 1) How will the actions listed in CAP be turned into actionable policies?
- 2) How would these actions be implemented and enforced?
- 3) How will these actions be financed?
- 4) How will the CAP include community stakeholders in the decision-making processes?
- 5) How will the equity enhancing benefits work in conjunction with the recommended environmental actions?

We would like to have an overall clearer and more defined response to these questions in the final CAP plan. The following are a set of comments and recommendations ANS provides as part of the public commenting period for the draft CAP.

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<sup>1</sup> Montgomery County's Climate Action Plan. 2020. Available from:  
<https://www.montgomerycountymd.gov/green/Resources/Files/climate/draft-climate-action-plan.pdf>

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- **Clean Energy:**
  - **Recommendation:** CAP’s clean energy actions are largely focused on increasing clean energy generation and consumption in Montgomery County. We support these actions but believe clearer policy guidelines around renewable energy are needed. CAP should provide more guidance on where local renewable energy generation projects can be sited within the county, whether solar, wind, geothermal, or other such projects.
  
- **Buildings:**
  - **Comment:** We support the CAP’s recommendations to create more green and efficient buildings and supporting the ongoing process of approving the 2018 Green Construction Code.
  - **Recommendation:** We further recommend that as more green efficient building policies are enacted as part of CAP that stormwater, forest, and other environmental laws and regulations are enforced, and not waived. We would also like to see a closer agency coordination when sustainable energy efficient codes are implemented and enforced. For a full list of recommendations regarding buildings please see our IgCC coalition comment letter sent to DPS in 2020.<sup>2</sup>
  
- **Transportation:**
  - **Recommendation:** We recommend that CAP place a higher priority on transportation demand management (TDM). Currently, CAP relies too heavily on reducing greenhouse gas emissions from cars by switching to electrical transportation systems. If TDM were to be prioritized in CAP, more land use decisions such as reducing vehicles miles traveled by building near transit hubs which reduce sprawl and greenhouse gas emissions or increasing multi-mobility options, would be listed as actions in this chapter. Furthermore, by increasing the value of TDM, the county would be committing to planning for people and not for cars. We recommend the addition of a “**no more roads construction**” policy action into CAP. More highways could pose a risk or degrade the quality of our local environment, raise greenhouse gas emissions, or increase stormwater runoff. The CAP should also include a well-coordinated approach with other county and state agencies to halt highway expansions such as the proposed I-270/I-495<sup>3</sup> expansion and M-83.<sup>4</sup>

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<sup>2</sup> IgCC 2018 Coalition Comment Letter to DPS. April 2020. <http://cleanstreams.anshome.org/wp-content/uploads/2020/04/Final-IgCC-Comment-Letter.pdf>

<sup>3</sup> I-270/I-495 Expansion. Available from: <https://495-270-p3.com/>

<sup>4</sup> TAME Coalition. Available from: <http://tamecoalition.org/>

- **Carbon Sequestration:**

- **Comment:** We support CAP’s emphasis in the carbon sequestration chapter to focus on nature-based solutions, such as protecting forests, and prioritizing these for climate resilience and carbon sequestration.
- **Recommendation:** Trees provide countless ecological services such as flood prevention, carbon sequestration, air, and water purification, and reduction of urban heat island effects. None of these services could ever be replaced by built infrastructure. Despite the well-established benefits of trees and an existing Forest Conservation Law, Montgomery County continues to lose trees and forest cover. Between 2008 and 2016, development in the County cleared 1,383 acres of forests, the 5th highest amount of forest cleared among all counties in Maryland.<sup>5</sup> Updating the Forest Conservation Law, and setting a policy goal in the Climate Action Plan to do so, such that the county adopts “*a no net loss of forest*” policy would be an important step towards protecting our natural resources as key climate mitigation prevention measures. Such a step would also follow other counties around the state, such as Howard, Anne Arundel, and Frederick, the latter one passed Maryland’s strongest local “no net loss of forest” law this summer.<sup>6</sup>

- **Climate Adaptation:**

- **Comment:** As longtime stormwater management advocates (ANS has served as chair or co-chair of the Stormwater Partners Network of Montgomery County since the Network’s founding)<sup>7</sup>, we appreciate that many of the actions listed under the climate adaptations chapter include improvements to water quality and stormwater.<sup>8</sup> These include planning for aging water infrastructure, repairing culverts, preparing for extreme weather in buildings, implementing much more green infrastructure through a building code revision, implementing a stormwater retention credit system, and reducing or eliminating unnecessary stormwater

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<sup>5</sup> CBF (2018) Based on data from the Maryland Department of Natural Resources from individual county Forest Conservation Act Annual Reports and compiled by the Chesapeake Bay Foundation. Some comparative data was only partial because counties did not submit at least two annual reports to the State, in violation of the State Forest Conservation Act law. Available from: <https://www.cbf.org/document-library/cbf-guides-fact-sheets/md-fca-fact-sheet.pdf>

<sup>6</sup> Frederick County Government (2020) Frederick’s Forest Conservation Law Changes. Available from: <https://frederickcountymd.gov/DocumentCenter/View/324596/Protecting-Frederick-County-Environmental-Resources>

<sup>7</sup> Montgomery County’s Stormwater Partners Network. Available from: <https://www.stormwaterpartnersmoco.net/>

<sup>8</sup> Montgomery County’s Climate Action Plan – Climate Adaptations Chapter (2020) Pages 150 -177. Available from: <https://www.montgomerycountymd.gov/green/Resources/Files/climate/draft-climate-action-plan.pdf>

management waivers. By CAP addressing and prioritizing the need to update aging water infrastructure, the county will help both people and the environment adapt to a changing climate simultaneously.

○ **Recommendations:**

- The CAP needs to have more clarity on policy actions on how aging infrastructure will be prioritized and financed. For example Montgomery Parks has identified about 2200 outfalls in their parkland, many of which are in urgent need of repair but without the funds, staff, or prioritizations needed, the cost of changing these infrastructure would come at a great cost to the county's budget and impact the health of people and the environment.
- Adaptation actions A-1 (water infrastructure resilience) and A-2 (culvert repairs) are rated as "somewhat positive" for environmental stewardship, but this could be enhanced for both action categories. The CAP should direct that any time our infrastructure is opened up for repairs or reconstructions, it is enhanced to meet or exceed current stormwater management standards, with green infrastructure (i.e. the addition of bioswales, grass swales, and tree boxes, etc.) taking first priority. Furthermore, nature-based solutions like green infrastructure are a more efficient cost saving climate change adaptation solution.
- We would like to see increased emphasis on stormwater management that not only meets but exceeds our current stormwater regulatory requirements, knowing that climate change is already increasing in frequency and volume of rainstorms. The green infrastructure action (A-10) identifies an opportunity to exceed MS4 permit requirements, but local requirements overall should codify stricter stormwater management requirements than those the state has proposed.
- We recommend that a continued increase in green infrastructure (A-10) be paired with a focus on upland (i.e. out of stream valley) retrofits for efficient stormwater management.
- The county needs to revise the process of granting waivers on stormwater requirements for re-development, and we support the recommendation to move towards banning them (A-13). According to our research, these are currently granted very frequently but difficult to track due to limitations in DPS' systems. We need to know how much volume of water is being waived, and where, in order to accurately address the issue.

- **Outreach:**
  - **Comment:** ANS supports and encourages the creation of opportunities for more people to be involved in the CAP’s decision-making processes and implementation phases. We support climate action planning with a strong equity and justice lens. We appreciate that the CAP included translated materials into six languages and inserted an “equity-enhancing measure” to some actions. Although this is a big step in the right direction, more meaningful outreach opportunities still need to be created as to increase participation and inclusion of broader range of stakeholders including low income and BIPOC communities.
  - **Recommendation:** We need to prioritize, diversify, and actively include more people and communities of color into the climate action plan policy, actions, and decision-making processes. To accomplish this we must also increase the funds that are allocated towards creating meaningful and culturally relevant engagement opportunities of these groups and individuals into climate action planning. Furthermore the plan should clearly outline how jobs will be created and how the plan will expand its outreach efforts. The communities most impacted by the effects of climate change in the county need to have more decision-making power in the policies that will have a direct impact in their long-term health and wellbeing. CAP should direct funds directly to grassroots groups in these communities, rather than outside consulting firms, to ensure that solutions come from and benefits stay within the most impacted communities.
  
- **Land Use:**
  - **Recommendation:** The Climate Action Plan does not address land use as a key component of climate change mitigation, resilience, and adaptation. It is critical to implement more land use policies and actions to the planning into CAP as the buildings and transportation sectors make up the first and second largest sources of greenhouse gas emission in the county. We strongly recommend a closer agency cross-collaboration and merged policy goals between the new General Plan (Thrive 2050) and the Climate Action Plan. Both plans should contain a clear and strong set of climate policies and actions that are consistent with one another and meet the county’s greenhouse gas reduction goals while highlighting the need for more sustainable land use practices.<sup>9</sup>

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<sup>9</sup> Montgomery County’s Climate Action Planning Overview (2019) Available from: <https://www.montgomerycountymd.gov/green/Resources/Files/climate/workgroup-recommendations/overview-of-workgroup-recommendations.pdf>

- **Metrics and Implementation:**
  - **Recommendation:** We recommend that the plan incorporates clear and more specific metric requirements to ensure that the policies and actions stated in CAP are enforced and meet the county's climate goals.

ANS supports and recommends continued protection of our green spaces and emphasizes sustainable, equitable, transit-oriented housing that enhances quality of life, lowers upfront costs, and builds resilient communities with infrastructure that mitigates the worst effects of climate change. We look forward to continuing to contribute to the CAP as it evolves and is implemented. On behalf of ANS and our 28,000 members and supporters, we recommend that the County Executive supports the passage of Montgomery County's Climate Action Plan with the proposed recommendations we have listed in our testimony.

Sincerely,  
Denisse Guitarra  
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Audubon Naturalist Society