

Forest Conservation Advisory Committee

Minutes

July 19, 2011

Prepared by: Dan Snyder

ATTENDEES

Members

Ginny Barnes
Kim Knox
Dan Landry
Brett Linkletter (DPWT), ex officio
Caren Madsen
Laura Miller (DEP), ex officio
Katherine Nelson, (M-NCPPC), ex officio
Michael Norton
Linda Silversmith
Kevin Smith
Dan Snyder
Bryan Straathof

Absent members

Paul Allen (WSSC), ex officio
Mark Buscaino
Andrew Der
Ken Ferebee
Norman Mease
DPS ex officio (not yet filled)
David Plummer (MSCD), ex officio
David Post
Jeff Schwartz
Clark Wagner

Others attending

Doug Sievers (filling in for Paul Allen)
Stan Edwards, DEP
Dale Tibbitts, Council staff

MINUTES

Meeting was convened at 7:00 pm July 19, 2011

Introductions

Doug Sievers, from WSSC, was introduced. Doug was filling in for Paul Allen and may be the new representative to the committee from WSSC.

Discussion of Meeting Minutes

The draft of the FCAC June meeting minutes was discussed by the Committee. Several minor revisions were suggested and approved. An approval vote of the June minutes was tabled pending the incorporation of the revisions.

Discussions/ Updates

Carbon Tax

A committee member updated the FCAC on the status of the County's Carbon Tax Law. Montgomery County Council passed a carbon tax bill in May of 2010 that taxed stationary emitters in Montgomery County that release more than 1 million tons of CO² into the atmosphere annually. Mirant sued the County and the Fourth Circuit Court of Appeals ruled that the tax was actually a "punitive fee". County Council then rescinded the Carbon Tax.

MNCCP Receives ESRI Grant GIS Easement Tool

The FCAC MNCPPC representative informed the committee that MNCPPC had received a grant from ERSI for mapping conservation easements.

Emerald Ash Borer

The FCAC DEP representative informed the committee on the status of the emerald ash borer in Maryland. Suspected cases of the emerald ash borer are to be reported to the Maryland Department of Agriculture. Links to the University of Maryland Extension Office can be found on the DEP web site.

Imprelis

The FCAC DEP representative informed the committee that the broadleaf herbicide, Imprelis, manufactured by DuPont, is currently being investigated by EPA due to suspected damage to trees of various species.

Pepco Update

The FCAC Pepco representative provided an update on various Pepco related issues.

- A public hearing/meeting was requested by Pepco to discuss the feasibility of changing the current law such that if Pepco determines a private service needs preventative trimming to eliminate a potential hazard/outage; and the private homeowner refuses to allow Pepco to trim; Pepco request that MCDOT to confirm the hazard; if confirmed by MCDOT, the hazard would be considered a public nuisance and the homeowner would be required to correct. This is necessary to protect the not only the service in question but the other services on the same main/transformer that are subject outage if this particular service line faults/blows the transformer/switches on the main line.
- Council member Erlich has requested the County review the Pepco trimming policy along rural rustic roads
- There was FCAC discussion of Pepco requirements for replanting after trimming. The current State permit requires replanting. FCAC discussion continued regarding the keys to success of replanting including survival guarantee, size and contractor quality control.

Maryland Roadside Tree

FCAC discussions regarding details/requirements of the law and options for planting locations etc. Montgomery County was authorized to take over regulatory authority of the law. Legislation may be forth coming. Changes in the state law now allow all jurisdictions to develop their own regulations provided they are approved by the Maryland DNR Forest Service and are at least as strict as the current state law.

Urban Tree Bill Update

A FCAC member briefed the committee on the ongoing discussions regarding the proposed Urban Tree Bill between representatives of the environmental advocacy groups and the builders association. Consensus was reached on a number of issues, however, there are three primary areas of disagreement which include: required number of trees to be planted per lot, administration of the tree law and amounts for tree fund/ fee in-lieu.

Outreach

FCAC discussions regarding the most effective outreach methods and perspective conduits including HOA/Community Associations, realtors, Landscape Contractors Associations, Forest Service Tree Owner's Manual etc.

Meeting was adjourned at 8:50 pm.