



MARYLAND LEAGUE  
OF CONSERVATION VOTERS

September 22<sup>nd</sup>, 2020

The Honorable Montgomery County Council  
100 Maryland Avenue,  
Rockville, Maryland 20850

Re: Support Expedited Bill 36-20, Forest Conservation with amendment

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**Maryland League of  
Conservation Voters**

Ed Hatcher, Board Chair  
Maris St. Cyr, Vice Chair  
Michael Davis, Treasurer  
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Stuart Clarke  
Candace Dodson-Reed  
Verna Harrison  
Melanie Hartwig-Davis  
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**Maryland League of  
Conservation Voters  
Education Fund**

Chuck Porcari, Board Chair  
Joy Blackwood  
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Dear Montgomery County Council,

On behalf of the Maryland League of Conservation Voters, I urge you to support Expedited Bill 36-20, Forest Conservation with amendment. This bill is an important step forward, and we urge the council to take the program even further, following the example of Frederick, Anne Arundel, and Howard Counties towards truly innovative, ambitious improvements and truly ensure no net loss of forests, so that Montgomery County will remain a leader in environmental policy.

Bill 36-20 makes several modest improvements that we support including;

- The increase of binding maintenance agreements from two years to five. This will allow saplings a chance to grow past the reach of browsing deer and have a better chance of survival. Montgomery County has significant deer populations and invasive species which can decimate entire groves of saplings.
- The application of the forest conservation law to contiguous lots.
- New protections of root zones.
- Changes to the fee in lieu system and assurances that there is a focus on retention and forest banking.
- Several minor administrative improvements that will help the Department of Planning do their job of stewarding forests and this program.

There is one provision we urge you to amend. We do not want to see mature, priority forests removed so that a developer can get stormwater credit for installing a stream restoration project. The existing forest would provide more environmental benefits. Please amend 6 22A-5. Exemptions (v)(1) to ensure that priority forests around restoration projects are not exempted from forest conservation protections.

It is important to note, if this bill passes even with the suggested amendment, Montgomery County will continue to lose forests. We urge the County Council to review the recent progressive changes made by several other counties to their Forest Conservation programs. In the last nine months Frederick County, Anne Arundel County, and Howard County strengthened their protections beyond what bill 36-20 will do. Frederick County passed two bills that are models. The Forest Resource Ordinance Bill 20-08 creates no net loss by specifying that every acre of forest removed is replanted. This is significantly more protection than what Montgomery County is proposing which is as little as one acre is replanted for every four acres removed. Frederick County also uses the state minimum 'standard calculation' in the rare cases where this complex formula would restore more forests.

Additionally, Frederick County's Zoning Ordinance Amendment (Bill #20-07) is even more innovative because it protects the county's most valuable forests. Bill 20-07 excluded sensitive areas from the density calculation of how many units can be built there. This encourages developers to redevelop sites and chose locations more in line with smart growth principles.

Maryland LCV supports Expedited Bill 36-20 with the recommended amendment to the stream restoration exemption in that it will provide modest improvements to Montgomery County's Forest Conservation program and is a small step in the right direction. However, we do want to stress that even if bill 36-20 is passed, the county will still be losing forests and we encourage the County Council to put forward no net loss legislation either as an amendment to this legislation or as a new bill in the near future. The work to protect Montgomery County's forest is not done, and we hope to work with the council to ensure no net loss of forests in the county. If you have any questions or would like to discuss this or any forest policy anywhere in Maryland in more detail, please do not hesitate to contact Ben Alexandro at [balexandro@mdlcv.org](mailto:balexandro@mdlcv.org) or call 845-596-9634.

Sincerely,

A handwritten signature in blue ink that reads "Ben Alexandro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Benjamin Alexandro  
Water Program Director  
Maryland League of Conservation Voters  
Maryland LCV Education Fund