



18 September 2020

Montgomery County Council
100 Maryland Avenue,
Rockville, Maryland 20850

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

Dear Montgomery County Council,

Friends of Sligo Creek recommends that you support Expedited Bill 36-20, Forest Conservation with amendment. This bill is a reasonable step forward. However, we suggest the council go further, and follow the example of Frederick, Anne Arundel, and Howard Counties and ensure no net loss of forests, so that Montgomery County will remain a leader in environmental policy.

Bill 36-20 makes some 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.

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. 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.**

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 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.

Friends of Sligo Creek 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.

Friends of Sligo Creek is a nonprofit community organization dedicated to protecting, improving, and appreciating the ecological health of Sligo Creek Park and its surrounding watershed. Forests are a high priority for us.

Thanks for your consideration.

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