



TO: Montgomery County Council Chair Albornoz and Councilmembers  
FROM: Friends of Sligo Creek, Kit Gage, Interim President and Advocacy Director  
October 4 hearing, 2022

RE: Forest Conservation Bill 25-22

Friends of Sligo Creek or FOSC, is a nonprofit community organization dedicated to protecting, improving, and appreciating the ecological health of Sligo Creek Park and its surrounding watershed. We support the Forest Conservation Bill 25-22, but in order for the County to get to No Net Loss of Forests, the bill must be strengthened. As an active member of the Montgomery County Forest Coalition, we fully support all of the Coalition's recommended improvements to the bill. Further, we as a Coalition worked cooperatively with the Planning Department and support their efforts, yet in key areas recommend strengthening amendments to get to a goal we all share.

Here are two specific recommendations:

- 1. The county should have specific strong requirements for forest preservation so developers know, in advance of developing site plans, what forested areas they must preserve and costs of planting on or offsite forests if they choose to develop that site.**

Too often owners, developers and architects will come to a project knowing what they want to do in a way that is site irrelevant. This could be called the Clean Slate Mode of development. Increasingly, it's clear that if we are to preserve forests, the requirements for forest preservation should be in place **before** plans are created. This will save time and money for developers, and will save trees and forests.

EXAMPLE:

Gough property disposition 10/7/2013 120140010.

FOSC testified to maintain what was a small but climax forest, with 8 designated specimen trees, and a rate of tree canopy of 235 trees/acre. It was right across the street from Sligo Creek Park and the Creek, itself, and arguably at least partly in the flood plain. The 2012 Tree Canopy Conservation law, whose stated purpose was to save, maintain and establish tree canopy, didn't save this forest. We asked that the forest not be subdivided into 4 plots for single family houses. Planning compromised by creating 3 plots and requiring a very small patch be reserved from development. Two of the smaller plots were clearcut, dug deep, and covered virtually entirely impervious surface. The seller and potential developer of the plot weren't happy and neither were we.

Just weeks ago, the third and largest of three plots finally began construction. The first thing that was done was to entirely clearcut the lot. Large canopy trees, including one significant one only 2-3 feet from the side property line were cut down. Soil was churned up over the entire lot. Neighbors were aghast.

But under existing law, we had done what we could. No minimization of tree or forest removal was required. No forest was saved but the tiny patch which Planning reserved after our testimony. The developer's plans had to be redrawn to remove one lot from development, and as a result a small forest was destroyed right next to a floodplain. It should have been preserved undeveloped, one way or another.

## **2. Losing Trees – Why Require higher replacement percentages**

Those who ask what the problem could be with tree loss, have not paid attention to Emerald Ash Borer killing almost all Ash trees, and other diseases afflicting trees in our county canopy. Folks have not paid attention to the severe storms which particularly take down isolated big old trees. While some in Planning claim that Montgomery is not suffering a net loss of trees, its data come from a very short study period. Longer term data show the opposite. We are in fact losing trees at a significant rate. As a county which holds itself out as a leader in environmental guidance and law, this tree loss must not continue. Anne Arundel, Howard, and even Frederick Counties have been able to take more serious steps; we must too.

Climate change demands it. Our comfort and safety demand it. Animals and plants that depend on functional forests demand true forest conservation. Do the right thing.

Here are the Montgomery Forest Coalition's recommendations, which we wholeheartedly support:

1. Protect existing forest Ecosystems – existing forests are much stronger protections against excess stormwater, flooding, and climate change in general. Implement stronger protections for them. [Stronger than Planning recommends]
2. Strengthen replating ratios to ensure no-net-loss – require replanting to 2 acres of a forest ecosystem for every 1 acre removed. [Stronger than Planning recommends]
3. Strengthen Watershed Considerations – prioritize afforestation and reforestation requirements to maximize planting within the watershed where forest is removed or development done. [Stronger than Planning recommends]
4. Strengthen replanting requirements to require planting a forest ecosystem, not trees alone. [Stronger than Planning recommends]
5. Forest stand delineation must be evaluated and submitted to Planning prior to an application plan for development of a site (NRI/FSD). [Agrees with Planning]
6. Eliminate certain Commercial/Residential zone classification from qualifying for the (s)(1) and (s)(2) FCP exemptions from requiring forest mitigation. [Agrees with Planning]
7. Expand mitigation requirements for 'variance trees' to include mitigation for those within a forest. [Agrees with Planning]
8. Tighten requirements around forest conservation easements so they may not be easily extinguished or relocated. [New recommendation by MoCo Forest Coalition]
9. Allow landscaping to meet requirement in limited circumstances – rights of way, equity focus areas. [Agrees with Planning]
10. Increase resources for Forest Conservation Staff. [Agrees with Planning]
11. Consider tax incentives and/or subsidy programs to facilitate forest conservation. [Agrees with Planning]

Kit Gage  
Interim President  
Friends of Sligo Creek  
PO Box 11572  
Takoma Park MD 20913  
[www.friendsofsligocreek.org](http://www.friendsofsligocreek.org)  
[president@fosc.org](mailto:president@fosc.org)