



Coalition Partners

- Audubon Naturalist Society
- Choose Clean Water Coalition
- Citizens League of Montgomery County
- Equestrian Partners in Conservation
- Friends of Rock Creek's Environment
- Hiking Along
- Little Falls Watershed Alliance
- Montgomery Bicycle Advocates
- Montgomery County Civic Federation
- Montgomery Countryside Alliance
- Muddy Branch Alliance
- Neighbors of the Northwest Branch
- Potomac Conservancy
- Seven Oaks-Evanswood Citizens Association
- Washington Women Outdoors
- West Montgomery County Citizens Association
- Woodrock Homeowners Association

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June 14, 2011

Honorable Isiah Leggett, Montgomery County Executive
101 Monroe Street
Rockville, MD 20850

Dear Mr. Leggett:

Thank you for your letter of April 14, 2011. We have been busy over the past several months meeting in the workgroup with the Building Industry Association to review alternatives to the proposal presented by the Department of Environmental Protection (DEP) to amend the Forest Conservation Law (FCL) and include protection for trees not covered under the FCL. I have reviewed the correspondence between members of our workgroup and your office since mid-April and wanted to offer a few thoughts.

We believe that by collaborating with builders to develop a workable solution to clear-cutting individual lots (that are home-building sites), we can deliver a proposal for your office that will offer creative regulatory incentives for builders and homeowners to preserve existing trees on development sites whenever possible by way of 1) retention or 2) relocation of trees as needed when canopy trees in good condition are the path of a building footprint. When preservation or relocation are not possible, builders tell us they are willing to replace trees taken down. We are hopeful we can agree on a ratio for replanting among other provisions that we will present to you in early July. We are confident that if we do not agree on each and every point in our workgroup meetings, we will still send forth a tree bill that will go a long way to protect more trees and increase canopy in sections of the county where it is most needed. We would appreciate you allowing all of us to meet with you in early July to present our ideas before you introduce any legislation in the Council.

Our goal is to produce a budget-neutral means of creating a county urban forestry program that will make best use of county services and tax dollars and will be streamlined in terms of implementation. We will also present a new option for using trees in Environmental Site Design (ESD) which will be consistent with state guidelines and with the ESD legislation you signed almost a year ago. We have delivered a protocol for using trees in stormwater management to our workgroup and to DPS. We have been working closely with Rick Brush at DPS to address his questions about the protocol.

As appropriate, we will review the DEP proposal to try and incorporate elements of their draft bill that might fit into the proposal we are developing with BIA. We appreciate your letter of April 14 and will do our best to meet the July 1st deadline. As you know, I have taken a month of leave from my job in order to dedicate time to this project.

Regarding time, I have one important request of you after we meet with you, along with our workgroup partners, to review our proposal. I ask that your office and attorney reviewing this proposal treat this as a high priority and expedite review of the document. As you know, it has been 7 years since the first time that you and I discussed the need for protection of individual trees and smaller stands of trees that are not covered by the current FCL. We are overdue for stronger tree protection and hope you will support the progress we have made by requesting full attention on this item within your staff, and among the team at DPS and DEP.

Sincerely,

/s/ Caren Madsen

Cc: Robert Hoyt, DEP
Robert Kaufman, M-NCBIA
Jennifer Hughes, DPS