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Finding our Voice

Perspectives from the CM Board of Directors

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No Net Loss Must be the Basis of New County Tree and Forest Legislation

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It has been six years since the 2004 massive tree cutting on private property overlooking the C&O Canal at Swains Lock drew local and even national attention to the inadequacy of laws to preserve our vital forests. That incident gave rise to the C&O Canal Task Force, initiated by Congressman Chris Van Hollen. The Task Force included representatives from the National Park Service, Federal, State and County staff as well as members of the public, environmental and civic organizations. The result was a finding that the current County Forest Conservation Law (FCL) lacks deterrents to cutting as well as incentives to value and protect existing forest canopy cover. Subsequently the County passed limited legislation to increase fines for destruction of forest, but two separate legislative efforts to reform our overly complicated and inadequate FCL by both Maryland National Capitol Park and Planning Commission (MNCPPC) and Councilmember Marc Elrich have died in Committee at the County Council. Meanwhile, it has become obvious that, while forest cover is inadequate under our current law, tree protection, particularly in the urban down county, is nonexistent.

Older neighborhoods in Bethesda, Kensington and Silver Spring were initially carved from forest, leaving stands of old trees and a sense of stability. Redevelopment has hit these communities hard. Houses are purchased, torn down and replaced with large mansions filling small lots. With no requirement to save trees, the lots are often completely denuded of any tree cover. This practice affects not only adjoining neighbors, but the entire community, not just visually, but through changes in local climate, energy consumption and property values for all residents. We know a lot more about what trees do for us than we did just six years ago. We know that, especially in urban areas, trees filter air pollution, provide shade that lowers temperatures and improve water quality. Trees cool air through evapotranspiration. A mature tree with a 30-foot crown transpires about 40 gallons of water a day. When shaded by trees, hard surfaces like walls, roofs, streets and driveways may be 9 to 36 degrees F cooler than peak surface temperatures of unshaded surfaces. Mature trees can store 1,000 times more CO₂ annually than young trees. Additionally, homes with large trees sell for higher prices.

In companion areas of environmental policy, Montgomery County is more progressive, though -- as usual -- improvements are driven by forces from above -- the Federal Clean Water Act, requirements for Environmental Site Design (ESD), new State stormwater regulations, and renewed Chesapeake Bay restoration initiatives. Responding to the threats of climate change, Montgomery County convened a Sustainability Working Group and in January 2009 released a *Montgomery County, Md. Climate Protection Plan* which requires our county to reduce its carbon footprint by 80 percent by the year 2050, with specific targets along the way. The Plan recognizes the role trees and forests play in climate stability and urges development of accurate forest and tree canopy inventories, setting canopy goals, revising and updating the Roadside Tree Law (RTL),

and extending tax credits for renewable energy measures to include tree planting. Nearly two years later, we've made very little, if any, progress fulfilling these particular recommendations.

Meanwhile, we continue to lose trees and forest. In January 2009, the Maryland state-mandated No Net Loss Task Force issued a Final Report and Recommendations, illustrating forest cover by tributary basins and counties. Montgomery County has only 29% forest cover compared to 41% for Anne Arundel and 42% for Prince George's County. Even Baltimore County beats us with 34%. It also recommends, in addition to mapping and tracking forest acreage, the need to chart urban tree cover and to set forest and canopy goals. American Forests recommends canopy goals of 25% for urban areas, 50% for Suburban areas and 40% overall. Comparative maps of Montgomery County forest cover show that in 1951 most of our forest cover was in the urban down county while in 2008 we've made some forest gains in the Agricultural Reserve but lost forest elsewhere. Were it not for Stream Valley Parks, we'd have little contiguous forest remaining in any of our urban areas.

So, what are we doing to stop the loss? Well, last year the County Executive budget cuts suspended the roadside tree planting program, so we can't replace dead or cut trees in the public right of way. After an initial interest in creating a countywide tree ordinance and amending the current FCL, the Council punted to the Department of Environmental Protection (DEP), allowing DEP to come up with an approach that would weave forest and tree protection into a single bill. That was two years ago. Draft language for the bill is based on many months of discussions between DEP Director Bob Hoyt and his staff, meeting with various stakeholders.

While DEP may be attempting to be thorough, the process for developing the bill has become a source of frustration. DEP has engaged in many discussions of the concept, eliciting feedback from the environmental community, builders and the County Forest Conservation Advisory Committee, Councilmembers and staff. However, the proposed legislation is based solely on a "pay to play" scenario – which means a property owner pays a fee to the County based on size and amount of forest or number of trees cut. This should not be the only deterrent. We can't afford to ignore the simple fact that trees and forest are crucial to maintaining overall public health and that there is economic value in retention of mature trees and tree canopy. Requiring a countywide level of canopy cover and a stronger focus on preservation of healthy mature trees must be the basis of any new legislation.

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