

## Pros and Cons of the 2011 Draft Department of Environmental Protection Set of Amendments to the Montgomery County Forest Conservation Law

*Based on discussions between environmental, civic and building industry stakeholders*



Attempts to expand the Forest Conservation Law to discourage removal of individual trees on construction sites.



Attempts to establish additional funding for replanting trees.



Intends to simplify how this part of forestry law is carried out.



Requires documentation of existing conditions on a construction site.



Mitigation is based on area of forest disturbed.



Draft bill focuses only on a “cut-and-pay” fee structure whereby trees are cut down at a price that would ultimately be considered the cost of doing business.



Draft bill does not incorporate a conservation ethic or efforts to preserve canopy trees on a construction site or in other areas.



Draft language is vague and unclear.



Removes ability for builders to replant trees on their own sites where trees need to be replaced.



Bill does not offer any incentives to builders to retain existing canopy trees on-site.



Draft bill was not thoroughly vetted by stakeholder community and shared soon enough to allow for comments.



Draft bill proposes to assign authority to DPS for implementation but does not specify how DPS would carry out implementation or who would administer the requirements in DPS.



Draft bill does not include tree canopy goals.



Draft bill was not based on recent data on tree canopy since the GIS study from DEP was not complete when it the proposal was written.



Draft bill left ambiguity where M-NCPPC was to be involved in review process; was not a clean or clear approach in terms of responsibility of agencies.



Draft bill does not take stormwater management into consideration or address broader policy such as role of trees in dealing with climate change impacts or importance of Chesapeake watershed forests.



Unclear as to whether the State of Maryland Department of Natural Resources would approve the DEP draft.



Draft bill does not include a definition of urban forest although the existing FCL refers to urban forests in the amendments that authorize the Forest Conservation Advisory Committee.



Draft bill does not take a comprehensive approach and make the connection between urban tree canopy, street trees and forest nor does it address forest fragmentation.