



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

February 15, 2018

Mr. Bruce Johnson  
MCDOT  
100 Edison Park Drive  
Gaithersburg MD, 20850

Re: Forest Conservation Plan Exemption Confirmation  
Clarksburg Road Improvement  
Exemption Plan Number: 42018138E

Dear Mr. Johnson

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Plan Exemption Request, submitted on January 24, 2018, and completed on February 15, 2018, for the plan identified above, is confirmed. This project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), per Section 22A-5(e) because the site is a State or County highway construction activity that is subject to Section 5-103 of the Natural Resources Article of the Maryland Code or Section 22A-9 of the Forest Conservation Law for County Highway Projects, which states;

(a) General

(1) This section applies to construction of a highway by the County as part of an approved Capital Improvements Program project.

(2) The construction should minimize forest cutting or clearing and loss of specimen or champion trees to the extent possible while balancing other design, construction, and environmental standards. The constructing agency must make a reasonable effort to minimize the cutting or clearing of trees and other woody plants.

(b) If the forest to be cut or cleared for a County highway project equals or exceeds 20,000 square feet, the constructing agency must reforest a suitable area at the rate of one acre of reforestation for each acre of forest cleared.

(c) Reforestation for County highway projects must meet the standards in subsections 22A-12(e), (g) and (h).

(d) Any mitigation requirement for loss of specimen or champion trees must be based on the size and character of the tree.

This plan proposes to remove over 20,000 square feet of forest, and is therefore subject to reforestation requirements under 22A-9. The linear nature of the project limits the available space on-site for the reforestation. Therefore, Planning Department staff agree with the applicant's proposal that "1.09 ACRES OF REFORESTATION TO BE PLANTED OFF SITE".

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading. Off-site Reforestation must be completed, and documentation provided to the MNCPPC Inspector, prior to the pre-construction meeting. The property owner, construction superintendent, forest conservation inspector, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this meeting. If you have any questions regarding these actions, please contact me at [michael.sharp@montgomeryplanning.org](mailto:michael.sharp@montgomeryplanning.org).

Sincerely,

Michael J. Sharp  
Senior Planner, Forestry Inspector  
M-NCPPC, DARC