




MONTGOMERY PARKS

The Maryland-National Capital Park and Planning Commission
2425 Reedie Drive | Wheaton, MD 20902
MontgomeryParks.org

MEMORANDUM

DATE: April 26, 2022

TO: Montgomery County Planning Board

VIA: Mike Riley, Director, Montgomery Parks
Miti Figueredo, Deputy, Montgomery Parks 
Darren Flusche, Chief, Park Planning and Stewardship Division (PPSD) *Darren Flusche*

FROM: Bill Hamilton, Natural Resources Manager

SUBJECT: Montgomery County Planning Board item 6, Introduction of proposed 'no net loss of forest' amendments to the Montgomery County Forest Conservation Law & Trees Regulations

Montgomery Parks is committed to protecting the Parks Department's tree canopy and supports efforts to enhance forest retention and coverage and encourage tree planting within Equity Focus Areas. However, staff do not support two provisions of the Planning Department's proposed amendments to the Montgomery County Forest Conservation Law. As drafted, these provisions will result in significant, unwarranted costs to park development projects.

1. Section 22A-12(e)(1)(b): Tree planting in all unforested stream buffer environments within the project area

Existing Forest Conservation language sufficiently directs planting of unforested stream buffer environments when planting is required and the site is suitable and permits applicants to voluntarily plant such areas for mitigation banking, if desired. This proposed amendment, which would require tree planting in all unforested stream buffer environments within the project area, does not consider floodplain dynamics, variability, and suitability for tree planting.

Scientific evidence and experience from decades of planting within frequent flood environments demonstrates that many of these unforested stream buffers are incompatible with plant establishment or retention. Determining whether a site is suitable for planting requires analysis of the hydraulic floodplain, as well as other factors.

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The consequences of planting in hostile, unsuitable environments include planting failure and environmental pollution caused by tree protection devices that are washed downstream during flood events. In addition, the excessive cost of requiring tree planting in all unforested stream buffers cannot be justified given the insufficient evidence to support it and the lack of consideration to site suitability issues. Montgomery Parks has calculated an average cost of \$25,000-\$30,000 per acre afforested, which will increase park development costs. Finally, future park development projects could be affected by these planting requirements.

2. Section 22A-12(h)(1): Establishment of maintenance requirements within retained forest and/or forest adjacent to planting sites

This provision would require 5-year maintenance agreements for all retained forest and areas adjacent to afforestation, requiring management of non-native invasive plants and pest species in these areas. There is no evidence of long-term benefits from a 5-year maintenance plan for non-native invasive plants, since the seed bank will in many cases persist beyond this period, as will the continued introduction from air and water flow and wildlife activity. Finally, the annual costs of implementing this provision are also high. As with the requirement for stream buffer planting, this will drive up park development costs.

Conclusion

For the reasons described above, Montgomery Parks staff requests that both provisions be deleted from the proposed Forest Conservation amendments.


PB 4_29_22 FCL amendment parks_mtfedits

Final Audit Report

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