

**February 12, 2024**Hamid Shirazi
9810 Newhall Road
Potomac, MD 20854

Re: Notice of requirements prior to approval for Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) #420240850 - Persimmon Tree Subdivision

Mr. Shirazi,

Thank you for submitting your Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) application for the Persimmon Tree Subdivision. After careful review, we have identified some environmental issues that need to be addressed to meet the requirements for approval.

During the review process, it was observed that certain highly sensitive environmental features have been altered, including the clearing of forested areas within a stream valley buffer and the burial/piping of an intermittent stream. These actions conflict with the law, regulations, and guidelines outlined in the Forest Conservation Law Chapter 22A, Trees Approved Technical Manual 1992, and the Environmental Guidelines for Management of Development in Montgomery County 2021. These alterations pose a significant risk to the ecological balance and water quality of the area (Including the Potomac River and The Chesapeake Bay Area).

Per the Montgomery Environmental Guidelines, Intermittent Streams have baseflow at least once per year. In the winter and spring, the groundwater table is typically elevated, increasing the likelihood that the groundwater level is higher than the bed of a stream channel. Therefore, an intermittent stream will usually have baseflow during the winter and spring seasons and infrequent baseflow during the rest of the year. Because of discontinuous flow regimes, intermittent streams typically have physical, hydrological, and biological characteristics that are not as well-developed as perennial streams.

Field data, documentation (video and pictures), and other Forest Conservation Plan Exemptions nearby have confirmed the presence of previous critical environmental features on the subject property, such as a stream and the associated buffer that were recently disturbed. Topographic, hydrologic, and soil maps, Geographic Information Systems (GIS), and fine-resolution Light Detection and Ranging (LIDAR) have also been used to verify the extent of the stream and forest that have been disrupted.

To address these environmental issues, and ensure compliance with the regulations, it is essential that you work closely with our Forest Conservation Inspectors and Environmental Planners to resolve the identified issues. This will involve taking the necessary steps to address pending violations by implementing mitigation procedures, by reforesting the cleared areas and restoring



the stream and its buffer, whether as part of a development plan or a restoration plan, and fulfilling any other conditions specified by the Planning Department and/or other relevant agencies, such as the Department of Permitting Services.

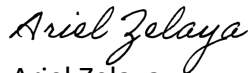
The revised application for NRI/FSD should include new and old environmental features such as but not limited to showing a stream and its associated buffer, as well as cleared canopy forest within the stream valley buffer area. If you need more information regarding the NRI/FSD process please review the Forest Conservation Law Chapter 22A, Trees Approved Technical Manual 1992, and the Environmental Guidelines for Management of Development in Montgomery County 2021.

Furthermore, please note that the NRI/FSD and Forest Conservation Plan will be used to guide the restoration of the stream and its associated buffer. It is important to start exploring the restoration methods for your subsequent plans, such as the Concept Plan, if you decide to pursue a new development in the subject property. If you choose not to pursue a development application for the property, restoration of the stream and stream valley buffer will still be required as part of an enforcement action.

To allow sufficient time for you to make the necessary revisions, I kindly request that you respond to this letter by **March 1, 2024**, and confirm if you will be addressing the issues raised above during review of this NRI/FSD. This deadline will ensure that we can proceed with the review process and avoid any delays in the approval of your NRI/FSD.

Should you have any questions or concerns regarding the revision process, please do not hesitate to contact our department. We will assist you and provide guidance throughout this process. Thank you for your attention to this matter, and I look forward to receiving your response by **March 1, 2024**.

Sincerely,



Ariel Zelaya

Planner II

DownCounty Planning Division

Montgomery County Planning Department