Commenter	Organization	Comment	Response
Griffin Benton	MBIA	Oppose deletion of 22A-12(3) to remove retention credit. Believes additional retention credit above and beyond requirement incentivizes retention of mature forest rather than remove it and undertake additional reforestation elsewhere. States there is no edivdence showing the county is losing forest over a 4-year reporting period.	We report every year to DNR. We also meet biennially with DNR. We already see in the yearly report that only a few projects take the retention credit then do not replant, which means there is more forest cleared than planted over all projects. We don't want to disincentivize retention and are considering decreasing the ratio so that we can meet No Net Loss but also have some incentive for retention.
Kelly Donovan	MBIA	Staff has produced no evidence of net forest loss, and therefore opposes the removal of the retention credit.	Staff will produce evidence of net loss of forest in other comments and in the staff report that goes before the Planning Board. We see more forest cleared than replanted on large projects, and in FY25 saw a loss of 21 acres of forest across all projects.
Kelly Donovan	MBIA	Concern about 5000 sqft over 5-years impacting in-fill development and lengthening process	This change is to prevent property owners from clearing a little each year to avoid triggering FCL. If In-fill development clears 5,000 sqft of forest, they would have to get an exemption/amendment regardless.
Steve Allison	Rodgers	Oppose deletion of 22A-12(3). This could create an unintended disincentive to preserve existing mature forest.The proposal removes the direct mitigation value currently assigned to preserving existing forest above the conservation threshold, meaning projects that preserve substantial existing forest may nevertheless be required to create additional forest solely because they clear some portion of the tract. As a result, preservation of additional mature forest becomes less valuable in the forest conservation calculation, while newly planted forest, off-site mitigation, or other compliance mechanisms may become comparatively more attractive.	We understand the concern that there would be a disincentive to protecting mature forest without the retention credit. However, what we find is that there are plans that retain large amounts of forest and then clear a large amount of forest. This would mean we may not meet no net loss, because of the forest cleared that is not mitigated. So far, last year, we did not seem to meet No Not Loss except with retaining large amounts of forest. This year, we did meet no net loss. Removing this provision, or revising the ratio, may make it standard year to year. The removal of this provision would also have our law match the state's law, since DNR also removed a similar threshold in the FCA.
Amanda Farber	Constituent	Requests inclusion of information regarding Primary Nesting Season and the fact that tree and forest clearing should be avoided during this time.	Will work with staff to create guidelines/policy, and see where in the law we could make this change.
Anne Vorce	Constituent	Concerned that the new exemption for parkland would result in further forest loss	Parks are a stream valley buffer-based system. Infrastructure for parks often ends up in buffers because that is how the park was established, and parks need to periodically update their facilities for the safety and use of residents. This exemption ensures they can do so and ensures that some forest is protected. The exemption is for existing facilities, and allows for updating and maintaining these facilities. Guardrails are in place for clearing and mitigation. Overall, mitigation required is part of exemption and offsets impact to existing forest or is minimized.
Anne Vorce	Constituent	Increase tree mitigation ratios, green construction requirements	We are not looking to change tree mitigation ratios at this time, but can evaluate this proposed change in the future. We are looking at ways to provide green infrastructure in development plans when we do climate analysis.
Anne Vorce	Constituent	Wants to understand the removal of water quality plan from a certain part of the law, and its impact on flooding	This change is intended to reduce redundancy in this provision. All relevant properties that are within a special protection area must submit a WQP. The intent of this revision is to clear up that there is no distinction between "SPA properties with a WQP" and "SPA properties without a WQP."
Sonia Demiray	Climate Communications Coalition	Replace the "No Net Loss" policy with a "Gross Forest Gain" policy. Prioritize the protection of mature forests, stop engineering streams.	The State of Maryland is pursuing a Net Forest Gain policy for forests across the state. The No Net Loss policy allows for Planning to meet a variety of goals-including housing and walking/biking infrastructure.
Frank Johnson	MHG	Clarify language around "forest clearning" when it is only understory and to change what is counted as cleared if only understory is removed	Removing understory is considered forest clearing, since it is part of the "biological community" of the greater ecosystem and the ability to regenerate itself.
Frank Johnson	MHG	ADA improvements and SWM requirements would have more flexibility under exemptions, especially in low-income areas	We are interested in this, but this is a much larger change to undertake at this time. We could consider this in the future.
Frank Johnson	MHG	Make adjustments to the (t) exemption to "unless it is to reduce or remove impervious surfaces" and allow for adjustments to be made to existing parking for ADA requirements	Will consider law change to present to PB on 10.29
Frank Johnson	MHG	Changing that SVBs can be counted in existing forest banks to make more profitable for the property owner and protect large amounts of forest	Considering this for future staff policies.
Matt Weir	Montgomery Parks	Include "tree nursery" in definition as not a forest	Tree nurseries are exempt under Chapter 22A-5
Matt Weir	Montgomery Parks	Concern for where definition of forest in the regulations includes aerial edge of trees, especially in areas where the forest edge is managed assets (e.g. baseball field).	Proposed to be adjusted in the FCTM, could be considered in the future.
Harris Trobman	MCPS	Can schools' recreational facilities be included in the new exemption for similar assets (e.g. sports fields)	Unfortunately, this does not apply to schools, based on the definition of "publicly-owned parkland facilities."
Dani Wilches	Nature Forward	General support of the changes. Question about if parks exemption is in response to a specific project and if so, what the scope is intended to be.	This change is not in response to a specific project, but rather generally for the fact that many park projects are naturally in the SVB because the park system is a stream buffer system. Parks began by purchasing stream buffers to steward and protect them. They would like to update their infrastructure.
Dani Wilches	Nature Forward	Believes changes to regulation 22A.00.01.08F weakens the language and gives Planning more flexibility over when to provide documentation to protect large trees.	There are circumstances where the Limit of Disturbance cannot be moved, and so this inventory becomes an added expense added after the approval of the FCP. There are times where having it done does not provide any benefit.
Anna Mudd	Potomac Conservancy/Nature Foreward/Tree Friends United	Concern with parks exemption and its genesis. Wants to increase the 1:1 replanting ratio with higher ratios	1:1 is standard on the property and is used in review of all plans. We think it's appropriate because replacing forest where it is removed makes for the benefit to occur in the same area. The higher ratios are to disencentivize off-site mitigation and it is removal of forest in a SVB.
Anna Mudd	Potomac Conservancy/Nature Foreward/Tree Friends United	Requests more information on regulations changes and their impacts	Analysis of the regulation changes are in the staff report. The first change is discussed above, with the response to Dani Wilches. Next, the new change to the landscaping credit formula is to add protection to smaller, slower goriwng trees. Finally, the removal of subsection (b) on landscape credits for sites with special provisions is aimed at ensuring reforestation, rather than landscaping, occurs.
Doug Boucher	Constituent	Change references to "planted forest" to "newly created" forest to include natural regeneration forest banks	Staff have included this addition in parts of the law. There are areas where "newly created" forest does not apply in development plan plantings, since we no longer accept natural regeneration as part of these plans.
Ken Bawer	Coalition to Stop Stream Destruction	Remove "loopholes" by removing all exemptions from the law	We are not considering removal of exemptions at this time because they provide a balance between environmental benefits and ability of people to reasonably utilize their property. Providing exemptions is in compliance with FCA.
Ken Bawer	Coalition to Stop Stream Destruction	Replace "No Net Loss" with "No Loss of Forest"	The Forest Conservation Law as written is meant to balance the development needs of the county (namely increased housing) with preservation and planting of forest. No Net Loss is how we achieve this. Changing to No Loss of Forest would severely limit goals.
Ken Bawer	Coalition to Stop Stream Destruction	Increase maximum daily fine	We will propse to increase the maximum civil fine to $2,500. The fine has not changed in a few years, and the county-wide maximum allowable fine has changed this year.
Ken Bawer	Coalition to Stop Stream Destruction	Remove change to line 20 that states that forest clearing may occur if done as part of an approved forest management plan or timber harvest permit	Staff are not recommending changes to the applicability section or exemptions at this time.
Ken Bawer	Coalition to Stop Stream Destruction	Recuce forest definition land area e.g. to 1,000 sqft	
Ken Bawer	Coalition to Stop Stream Destruction	Reduce applicability section from 40,000 sqft or larger to 5,000 sqft to include more forested areas. Generally reduce area sizes in all exemptions to include more forest.	
Ken Bawer	Coalition to Stop Stream Destruction	Any reference to forest clearing in a SVB should be removed, references to approval by the Planning Director also removed due to subjectivity	