

"Federation Corner" column
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An update on trees and forests

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A light may be flickering at the end of a long tunnel. Discussions continue between members of the Maryland-National Capital Building Industry Association (MNCBIA) and the MCCF Environment Committee.

The basis of the meetings between members of the building, civic and environmental stakeholder communities is to look for areas of agreement on legislation to amend the county's Forest Conservation Law, and to explore reasonable alternatives. The Department of Environmental Protection (DEP) developed a draft bill, which held hope in the beginning stages of the concept that was first presented by DEP in November of 2008. The draft bill has not been presented to the County Council or introduced because of concerns raised by stakeholders who have reviewed the proposed legislation.

Builders and environmental activists agree that the language of DEP's draft bill does not provide incentives for homeowners or builders to preserve mature trees on a lot when development or remodeling takes place. Instead, the DEP approach proposes a fee to cut down trees. That fee would then be used by DEP to replant saplings. DEP presented the cut-and-pay scenario with the intention of creating a deterrent to taking down trees on smaller lots. The goal of increasing protection for trees on smaller tracts of land not covered by the existing county Forest Conservation Law is commendable. However, there has to be a better method of retaining tree canopy than a cut-and-pay system.

The dialogue between builders and environmentalists has been constructive and collaborative in nature. Most significant was a point raised by builders at a recent meeting when they noted that often mature and healthy trees on a construction site must be demolished because of requirements to install stormwater management structures such as drywells or storm chambers.

The county passed an Environmental Site Design (ESD) bill last July which encourages use of non-structural stormwater management techniques outlined in the state Stormwater Management Act of 2007. Measures to implement the county ESD bill are under development.

"Leaving trees in place is one of the cheapest and easiest methods of filtering, absorbing and intercepting untreated stormwater runoff," said Ginny Barnes, MCCF Environment Committee Co-chair who also serves on the Board of Conservation Montgomery, an MCCF member organization. "Preserving larger trees is also one of the most low-maintenance nonstructural practices."

Barnes' perspective was echoed by the BIA spokesman Bob Kaufman, who once worked with the late Michael T. Rose. Rose was known as a developer who looked for innovative ways to preserve mature trees on construction sites. Rose was one of the contributors to the 1995 Achieving Environmentally Sensitive Design set of guidelines published by the Maryland Office of Planning under former Governor Parris Glendening's leadership.

Some of the recommended practices in the design guide include using a tree spade to transplant larger mature trees, so that the trees can be moved to a location within the same community or watershed. One example cited in the design guide was the Lyons Manor development project in Baltimore County. The developer uprooted 140 mature trees on the site and then replanted them so that each yard in the subdivision started out with at least one mature tree in place, ultimately enhancing the market value of each home.

“It cost builders a lot of money to demolish trees,” said Kaufman. “What the industry needs is flexibility in some of the stormwater regulations. More flexibility will allow builders to use nonstructural techniques more easily. It’s tough when a builder is told they have to install a drywell in a specific spot on a site. If that location is within the root zone of a tree, then a healthy tree is often sacrificed to make way for a drywell.”

The goals of meetings between stakeholders are to improve on the concept presented by DEP and produce legislation that can be presented to the Council this spring as a collaborative effort between members of the community. A larger stakeholder meeting will be organized later this spring by Conservation Montgomery.

New Tree Canopy Assessment Tool

The County Department of Planning is working to bring a new urban tree canopy (UTC) assessment tool to the county. The UTC tool provides information on tree canopy levels including identifying locations where canopy can be increased through additional tree planting. The data product was provided by the University of Vermont’s Spatial Analysis Lab and has been used throughout the country and in neighboring jurisdictions such as Washington D.C. and Prince George’s county.

Urban tree canopy is defined as the layer of leaves, branches and stems visible from above – or what you would see from an airplane if looking down. The analysis found that Montgomery County’s UTC is 50% but its forest cover (as determined by a separate analysis) is 25%. The difference between the two is that forests are defined as a multi-layer system of trees, shrubs and ground covers, whereas “canopy” includes forests but also individual trees that may be overtop a lawn or in the case of street trees, impervious surfaces such as sidewalks and roadways.

Katherine Nelson, a planner with the Maryland-National Capital Parks and Planning Commission (M-NCPPC) staff, has led the effort to quantify the tree resources of the county to prepare for the future. The M-NCPPC administers the county Forest Conservation Law (FCL) which provides some protections to forested land during development, but no protection for individual trees. Moreover, although county-wide the tree canopy is a healthy 50%, that varies widely from place to place and is as little as 8% in some areas.

“The goal of the tree canopy assessment is to increase understanding of existing green infrastructure, particularly the amount of tree canopy within urban areas,” said Nelson. “Tree canopy cover should be analyzed and included as an element for consideration in master plans, site plans and subwatersheds. This will help our staff set realistic canopy goals in urban and suburban areas of the county.”

The views expressed in this column do not necessarily reflect formal positions adopted by the Federation. To submit an 800-1000 word column for consideration, send as an email attachment to theelms518@earthlink.net