



MONTGOMERY COUNTY DEPARTMENT OF PARKS
MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MCPB Date: January 17, 2013
Item No. 18

MEMORANDUM

DATE: January 14, 2013

TO: Montgomery County Planning Board

VIA: Mary Bradford, Director of Parks *M Bradford*
Michael F. Riley, Deputy Director of Parks *MR*

FROM: John E. Hench, Ph. D., Chief, Park Planning and Stewardship Division *JEHench*
Mitra Pedoeem, Chief, Park Development Division *Mitra Pedoeem*

SUBJECT: Proposed Bill 35-12 Tree Canopy Protection

Park staff have reviewed proposed bill 35-12 and offer the following comments and concerns:

1. The bill as drafted would impact all park projects that require sediment and erosion control permits (i.e. projects resulting in ground disturbance in excess of 5,000 square feet) thus adding another layer of cost and regulatory complexity to a wide variety of work on M-NCPPC parkland including park capital improvement projects, historic resource restoration/rehabilitation projects, and environmental restoration/habitat improvement projects. By the very nature of parkland, it is typical for park capital projects to involve extensive work under tree canopy whereby significant effort and expense is made to avoid damage to the trees. The Department of Parks currently undertakes a wide variety of efforts to avoid, minimize, and mitigate the negative effects of park projects on native tree canopy with great success. The proposed bill offers no offset credit for tree protection efforts.
2. The bill does not specify the square foot costs that would be paid to the County (more specifically the Montgomery County Department of Environmental Protection) to mitigate the loss of tree canopy associated with the aforementioned projects on M-NCPPC parkland. For example if we use a fee of \$1/SF for the tree canopy impact, the fee for Woodside Urban Park with large trees will probably include all the 2.3 acres of the park which will be more than \$100,000 even if the result is the damage to no tree canopy at all.

3. Since the debt service on “local” park projects is paid by the park tax, the bill would result in revenue, generated by the park tax, being used to pay for the mitigation of tree canopy loss associated with projects in “local” parks. Thus M-NCPPC’s park tax would potentially be used to fund County projects.
4. Accordingly, park staff suggest that if the proposed bill becomes law, all revenue generated from the mitigation of tree canopy loss associated with projects on parkland owned and/or managed by M-NCPPC, be returned to the Department of Parks on an annual basis for the purpose of funding the Department’s own environmental restoration and habitat improvement efforts in both “local” and “countywide” parks.
5. The proposed bill exempts environmental restoration projects such as ones undertaken by the Montgomery County Department of Environmental Protection from the mitigation fee for canopy loss. Examples are stream restorations and storm water management retrofits. Many projects implemented by the Department of Parks should be considered for exemption as well based on their similar nature.
6. The proposed bill does not differentiate between tree canopy composed of undesirable non-native invasive trees (e.g., Alienanthus, Paulownia, Bradford pear) and native trees (e.g., red maple, white oak, American beech). The removal of non-native invasive vegetation and its replacement with native vegetation is a regular and routine component of a wide variety of park projects.
7. The proposed bill does little to address the loss of tree canopy that is not associated with a sediment and erosion control permit. For example, staff has observed that in recent years mature “specimen-sized” trees are being removed on a more frequent basis by property owners in urban and suburban areas in order to avoid potential damage to homes and other buildings as a result of more frequent and powerful storms.

pc: Rob Gibbs
John Nissel
David Vismara