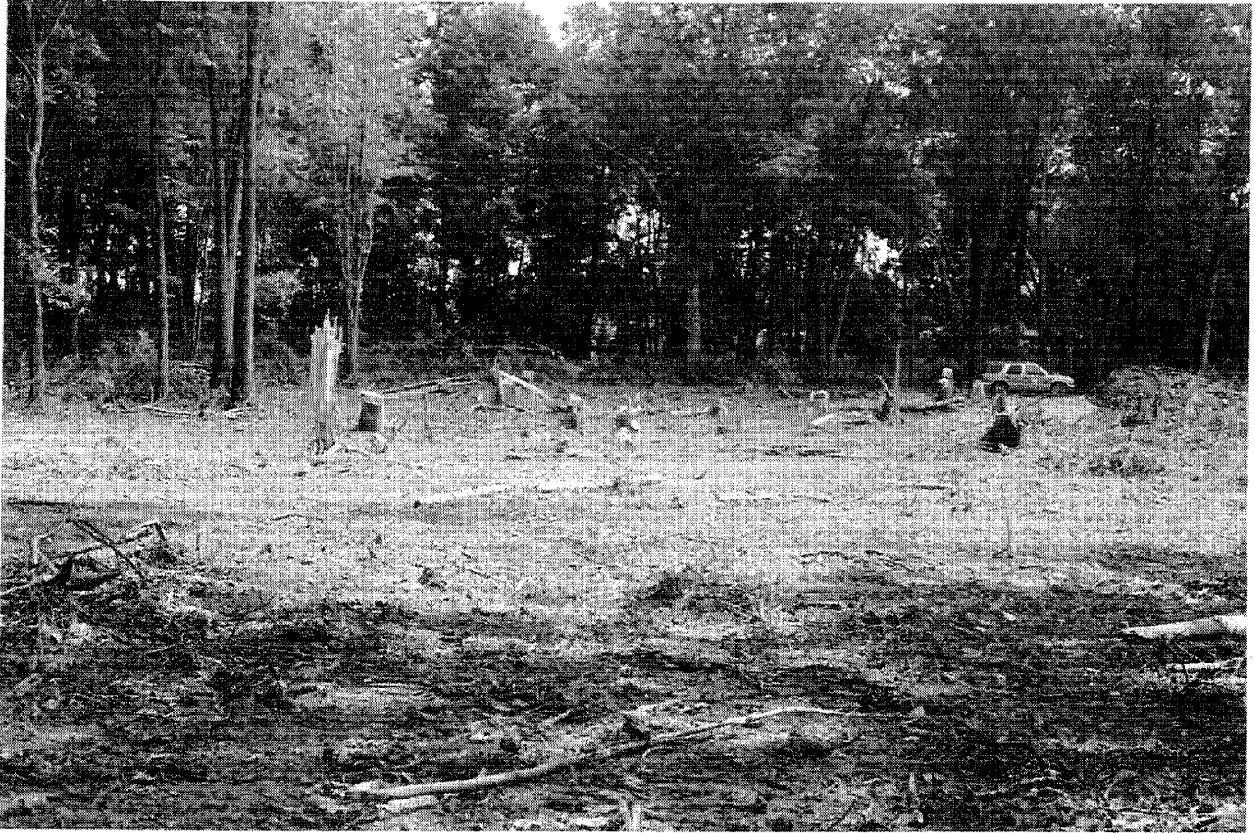




View of downed trees and damage to wetland with logs in stream channel to left. Note green foliage still on downed trees.



View of freshly cut stump. Note bright white color and presence of sawdust on stump.



View from back of lot out toward Trundle Road showing cleared area. Note 555 Tracked Loader marks in near foreground.

ATTACHMENT 15

Emails from individuals regarding tree clearing

Johnsen, Douglas

From: Roger Erickson [REDACTED]
Sent: Wednesday, May 24, 2006 6:49 PM
To: Johnsen, Douglas
Subject: further input from Trundle Road

Hi Doug,

My name is Wally Stoner and I live across the street from Roger Erickson. I don't currently have access to email, so I'm sending this from his terminal.

Regarding the tree cutting on Trundle Road:

- 1) Our recollection is that at least 2 truck loads of logs were transported past our house, coming out Trundle from the direction of the disputed property. The time frame was between July 15 and August 15.
- 2) An unusually large number of rental trucks carrying earthmovers, bobcat mini-tractors, and other heavy equipment traveled up and down Trundle and past our yard, in the first 2 weeks of August.

call us anytime with further questions, at 301-972-8692

regards, Wally Stoner

Johnsen, Douglas

From: [REDACTED]
Sent: Friday, May 26, 2006 12:11 PM
To: Johnsen, Douglas
Subject: Re: trundle

Re: 17900 Trundle Road

When Steve Houston sold the property he owned at 17900 Trundle Road, (as I recall it was July) he called me right before he left for the last time to say he was concerned that he may not have been able to get all his cats from the property. I told him I would check the property a few times to ensure any cats that were still there were captured and got homes. (Steve did not tell me where he was going or how to contact him)

I did visit the property about four to five times in late summer. Although I cannot give a specific date, my recollection is that it was in late July and early August. I can confirm that when Steve Houston sold the property, it was primarily a wooded lot with the exception of an approximate 100' x 100' section where he had parked his bus and two large caged areas that he had built for his cats in the wooded area. To get beyond his bus, or the front of the property, you had to travel on a small trail that wound through the property. If you deviated from that small trail, you got wet as there were several small streams running throughout the property and areas where the water just sat. When I went to the property to look for cats, i always wore rubber boots as it was extremely wet throughout the property. Having been through and graduated from an Outward Bound Survival School, and having spent much of my solo in a marsh area, many of the plants on Steve's property were very familiar to me as they comprised many meals while at Outward Bound: cattails (roots) and arrowhead. There were also numerous ferns that i associate with wetlands.

I did not witness the cutting of any trees from the property. I did witness that nearly every weekend beginning late August, trucks with heavy equipment were going and coming. Some of these trucks were from a rental company. I did ask some of the neighbors on the street what the new owners of the property were doing. One of the neighbors, Mrs. Leak, told me the man who purchased the property told Dr. leak he was going to build a house and live there with his family. I was amazed as i felt that building on the property would be impossible given the overall wet conditions of the land.

On September 7th, I left for New Orleans as a member of an animal rescue team for the Humane Society of the US. When i returned the first time on September 12, while walking my dogs, i was shocked to see that several of the trees had been cut down on the property. It appeared they were making space for a large home site. Before i returned to New Orleans, I spoke to several of the neighbors and asked how was it possible they could build a home there. The Stoners, the Leaks, Bill Davis and the Ericksons were all surprised that the land was being cleared and that the new owner could build there. I was told by two of the neighbors that the new owner did not have any permits...for cutting the trees, for disruption to the wetlands or for a septic.

I did not see the property again until mid winter...January-February. I remember my shock to see the entire site bare of all trees. It also appeared that the numerous small streams had been diverted into one central water flow area. The large culvert that went below the road way, seemed to have been altered. Although it was winter, there was virtually no vegetation on the site that had once been extremely overgrown with plants, ferns and numerous trees.

I personally did not see the person/persons cutting the trees down or diverting the water, however, I can state without reservation, that when Steve Houston sold the property, it was wooded, largely a wetlands area, and undisturbed with the exception of 3 large cages Steve had built for his cats in the woods and a small area in front where he had parked his bus.

Ellie Trueman
18401 Trundle Road
Dickerson, Maryland

5/26/2006

ATTACHMENT 16

**Montgomery County Forest Conservation Law, Sections 22A-16 and
22A-17 in effect at the time the forest clearing violation occurred**

disturbing activities and afforestation or reforestation to determine the level of compliance with the forest conservation plan; and

(3) The third inspection should take place at the end of the maintenance agreement 2-year time period.

(d) *Other inspections.* The Planning Department may conduct other inspections or meetings as necessary to administer this Chapter, including an inspection to confirm a forest stand delineation.

(e) *Required notifications.*

(1) At least 2 working days before commencement of any land disturbing activities associated with the forest conservation plan, a person must notify the Planning Department. The Planning Department must coordinate its inspection, and any pre-construction conferences, with the Department of Permitting Services to avoid inconsistent directives in the field relating to the forest conservation plan and sediment control activities.

(2) At least 2 working days before completion of afforestation and reforestation plantings, a person must notify the Planning Department so that the Department may schedule the second inspection under paragraph (c)(2) of this Section. (1992 L.M.C., ch. 4, § 1)

Sec. 22 A-16. Penalties and other remedies.

(a) *Class A violation.* Violation of this Chapter or any regulations adopted under it is a Class A violation. Notwithstanding Section 1-19, the maximum civil fine is \$1,000. Each day a violation continues is a separate violation under this Chapter.

(b) *Enforcement authority.* The Maryland-National Capital Park and Planning Commission has primary enforcement authority under this Chapter. Administrative enforcement actions are to be initiated by the Planning Director in accordance with this Article.

(c) *Civil actions.* The Commission may bring any civil action authorized to the County under Section 1-19 to enforce this Chapter or any regulation adopted under it. A civil action may also be brought to enforce a forest conservation plan and any associated agreements and restrictions or to enforce an administrative order. These remedies are in addition to any remedies that the Commission or County may initiate under state or local law to enforce the terms of a regulatory approval which incorporates a forest conservation plan.

(d) *Administrative civil penalty.*

(1) In addition to other remedies provided under this Article, a person who violates this Chapter, any regulations adopted under it, a forest conservation plan, or any associated agreements or restrictions is liable for an administrative civil penalty imposed by the Planning Board. This civil penalty may not exceed the rate set by the County Council, by law or resolution, but not less than the amount specified in Section 5-1608(c) of the Natural Resources Article of the Maryland Code. Each day of a violation is a separate violation.

(2) In determining the amount of the civil penalty, or the extent of an administrative

order issued by the Planning Director under Section 22A-17, the Planning Board or Planning Director must consider:

- (A) the willfulness of the violations;
- (B) the damage or injury to tree resources;
- (C) the cost of corrective action or restoration;
- (D) any adverse impact on water quality;
- (E) the extent to which the current violation is part of a recurrent pattern of the same or similar type of violation committed by the violator; and
- (F) other relevant factors.

The Board or Director may treat any forest clearing in a stream buffer, wetland, or special protection area as creating a rebuttable presumption that the clearing had an adverse impact on water quality.

(3) The reasons for imposing a civil penalty must be provided in a written opinion of the Planning Board and included in its administrative order.

(e) *Fund.* Money collected under this Section must be deposited into the forest conservation fund. (1992 L.M.C., ch. 4, § 1)

Sec. 22A-17. Corrective [[orders]] actions.

(a) *Administrative order.* At any time, including during an enforcement action, the Planning Director may issue an administrative order requiring the violator to take [[corrective action]] one or more of the following actions within a certain time period~~[[. The corrective action may include an order to]]~~:

- (1) stop the violation;
- (2) stabilize the site to comply with a reforestation plan;
- (3) stop all work at the site;
- (4) restore or reforest unlawfully cleared areas; ~~[[or]]~~
- (5) submit a forest conservation plan for the property;
- (6) place forested or reforested land under long-term protection by a conservation easement, deed restriction, covenant, or other appropriate legal instrument; or
- (7) submit a written report or plan concerning the violation.

(b) *Effectiveness of order.* An order issued under this Section is effective ~~[[immediately,]]~~ according to its terms, when it is served. (1992 L.M.C., ch. 4, § 1)

Sec. 22A-18. Plan suspension and revocation.

Grounds for action. After notice to the violator and opportunity for a hearing has been provided under Section 22A-20(d), the Planning Board may suspend or revoke a forest conservation plan if it determines that any of the following has occurred:

- (a) failure of a violator to post or maintain the financial security instrument required

ATTACHMENT 17

M-NCPPC exemption letter from platting requirements