“A unit of local government having planning and zoning authority shall develop a local forest conservation program, consistent with the intent, requirements, and standards of this subtitle” (Annotated Code of Maryland, Natural Resources Article, Title 5 -Forests and Parks, Subtitle -Forest Conservation)
Maryland Forest Conservation Act

Why is it important?

- Construction activities from increased urban development have led to the loss of forest cover in Maryland.

- Benefits of Maryland forests include:
  - Removal of air and water pollutants
  - Provide shade and moderated temperatures
  - Reduced runoff and soil erosion
  - Protection of wildlife habitat and water quality
  - Valuable forest products
  - Recreational amenities

GOAL: Conservation of forest resources during development activities so that these benefits can continue
Maryland Forest Conservation Act

General Requirements

- Identification of existing forest stands
- Protection of most desirable forest stands
- Locate areas where new forests can be planted
Forest Conservation and the Development Process

When is Forest Conservation required?

On properties 40,000 square feet or greater...

- Subdivision
- Commercial Site Plan
- Grading Permit
- Sediment Control Approval

- EXCEPT...
- Final plats, site plans or sediment control plans approved before January 1, 1993.
- A valid preliminary plan approved before July 1, 1991.
- Properties in the Chesapeake Bay Critical Area
- All or parts of a Planned Unit Development (PUD) that meet the definition of Amended Order Docket #90 adopted July 22, 2002.
- Development activities on lots less than 40,000 square feet

- Properties subject to a Declaration of Intent
  - Single-lot Exemption - single family residential
  - Intrafamily Transfer
  - Real Estate Transfer
  - Agricultural Exemption
  - Forestry Exemption
  - Airport Exemptions
Elements of Forest Conservation

Forest Conservation Planning occurs during the initial design or site planning of a proposed development.

- Forest Stand Delineation
- Forest Conservation Plan
- Resulting Protective Measures
Forest Stand Delineation (FSD)

- Forest Stand Delineation describes:
  - Tree species and forest conditions
  - Existing Topography
  - Soils information
  - Streams, wetlands, floodplains
  - Critical habitat areas
  - Historic structures
  - Other data as required in Chapter 2 of the State Forest Conservation Technical Manual (1997)

- Used during the development review process for determining the highest priority areas for forest retention.
Forest Conservation Plan (FCP)

- **Forest Conservation Plan includes:**
  - Calculation of required forest retention (based on zone)
  - Layout of development and limits of clearing
  - Proposed Forest Conservation easement areas
  - Construction timetable
  - Details of signage and tree protection devices
  - Planting plan (if required)
  - Offsite easement areas, if proposed
  - Other data as required in Chapter 3 of the State Forest Conservation Technical Manual (1997)

- Used in conjunction with FSD to steer development away from environmentally sensitive areas and protect them with both short-term and long-term devices.
Protective Measures

- **Short Term protective devices**
  - Silt fence, blaze orange fencing, berms, and FC signs
  - Must be shown on FCP and grading plans
  - Installed prior to construction activities

**Long Term protective measures**
- Forest Conservation easement
- Document recorded in County land records prior to development activity
- No disturbance allowed within the forest conservation easement boundaries
Tree Planting and Bonding

Properties subject to afforestation:
- High-density zones having less than 15% forest cover
- Low or medium density areas having less than 20% forest cover

Reforestation is required when:
- Tree clearing results in remaining forest area that is below required retention level, which is based on the zoning classification

All tree planting must be bonded
- A planting plan and maintenance agreement is required
- Reforestation is bonded at $4,000/acre
- Bond released following final planting inspection
What are we looking for?

The Review Process for Environmental Planning

- Subdivisions
- Commercial Site Plans
- Grading Permits
- Building Permits

WE ALWAYS REQUIRE:

- Complete submittal package and payment of fees
- Environmentally conscious project design
- Compliance with technical elements of forest conservation planning according to State Forest Conservation Technical Manual
Subdivisions

What Environmental Planning looks for:

- Subdivisions greater than 5 lots require a Preliminary Plan and corresponding Preliminary Forest Conservation Plan
- Exemptions claimed: intrafamily or real estate transfer
- Consistency with approved Forest Conservation Plan
- Recordation of easement documents with final plats
Commercial Site Plans

What Environmental Planning looks for:

- Validate any exemptions claimed (PUD, lot size, etc.)
- Projects 5 acres or larger require a Preliminary Forest Conservation Plan
- Consistency with approved Forest Conservation Plan
- Approval of offsite Forest Conservation area, if project is located within the development district
Grading Permits

What Environmental Planning looks for:

- Consistency with approved Forest Conservation Plan
- Verify bond amount, if planting is required
- Are all easements and tree protection devices shown on engineering plans?
- Forest Conservation Easements recorded prior to construction activities
Building Permits

What Environmental Planning looks for:

- Look for possible exemptions and paperwork
  - Single Lot Exemption DOI for single family projects
  - Is lot less than 40,000 square feet?
  - Property zoned PUD?
- Consistency with approved Forest Conservation Plan
- Verify that no activities encroach upon Forest Conservation Easements
- Send written conditions if development is within 50 feet of approved Forest Conservation Areas requiring inspection prior to Use & Occupancy.
What do we achieve by going through all this?

Permanent Protection of:

- Contiguous forested areas and greenways
- Non-tidal Wetlands
- Streams and RiparianBuffers
- Steep Slopes
- Highly-erodible soils
- Sensitive species habitat
- Wildlife corridors
- The natural beauty of Charles County