

DORCHESTER COUNTY PLANNING & ZONING OFFICE

P. O. Box 107

CAMBRIDGE, MARYLAND 21613

PHONE: 410-228-3234



June 3, 2009

Dear Foresters, Landscape Architects, and Qualified Professionals:

There are several items we wish to bring to your attention that are related to the forest conservation program in Dorchester County. Listed below are subjects of concern in this area:

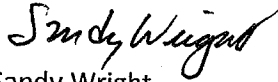
- (1) **2009 State Legislative Session Bills** that affect Urban Forestry – see attached highlights of Senate Bills 666 and 581 that were adopted and effective October 1, 2009. [SPECIAL NOTE – Exemption threshold for activity changed to 20,000 square feet]
- (2) **New County Review Fee Schedule** –effective July 1, 2009
 - Declaration of Intent (DOI) - \$10.00
 - Simplified & Intermediate Forest Stand Delineation (FSD) - \$150.00
 - Full Forest Stand Delineation (FSD) - \$300.00
 - Forest Conservation Plan (FCP) - \$300.00

**FSD and FCP combination plats/ narratives will be charged the individual, separate fees.
- (3) **Minimum area for Afforestation and Reforestation Requirements**

In Dorchester County, the minimum forest conservation easement area is 10,000 square feet because of the county's definition of "forest" and the associative need to establish a biological community of trees and woody plants. This policy is identical to the State's interpretation.
- (4) **Planting Plan Estimates** need to be more closely aligned with actual duties and costs (plus inflation) over a two (2) period taking into account: trees, initial labor for planting, and site maintenance (preliminary disking, herbicide and insecticide application, mulching, fertilizer, watering and mowing needs over the required period). During spring 2009 this office has been involved with replanting projects that have been exposed to a shortage in surety funds. This problem, in most cases, is attributed to underestimating site maintenance expenses.
- (5) **Planting and Replanting Projects** require the Owner to notify this office within 48 hours when the trees and plants have been established. This initiates the start of the two (2) year period of owner responsibility.
- (6) **FSD and FCP plats** – Please submit a minimum of two (2) plats when presented to this office. This also includes revised plats so we have an extra field copy. [Reminder – use the checklists sent earlier for FSD and FCP compliance]
- (7) **Forest Retention Areas** – Make sure the property owners clear these areas of any equipment, vehicles, machinery, construction materials, or domestic items that were disposed within the boundaries prior to final inspection of Forest Retention Area signs.

If you have any questions on any of these items, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sandy Wright".

Sandy Wright

Environmental Planner – Forest Conservation Coordinator

Enclosure: (1)

2009 Legislative Session Bills that affect Urban Forestry Summary

SB666 No Net Loss of Forestry Policy – Forest Conservation Act (effective Oct. 1, 2009)

- Requires the Department to determine the meaning of no net loss of forest for State policy use and to develop proposals for the creation of a policy of no net loss of forest policy.
- By Dec. 1, 2011 the Department shall, in consultation with forestry-related stakeholders, report on the development of statutory, budgetary and regulatory policies to achieve no net loss of forest in the state.
- Lowers the exemption threshold for activity conducted on a single lot or linear project to 20,000 square feet of forest.
- Amends the intrafamily exemption applicability to owner or child and also lowers the threshold of the activity to 20,000 square feet of forest.
- Removes the exemption for "previously developed and covered by paved surface".
- Amends the language for that allows the acquisition of off-site protective easements for existing forested areas not currently protected to be "not currently protected in perpetuity".
- Separates the priority areas for retention and protection into 2 categories with different levels of protection. Those that must be left undisturbed "unless the applicant has demonstrated that reasonable effects have been made to protect them" include: 100 year floodplains, intermittent and perennial streams and their buffers, coastal bays and their buffers, steep slopes and critical habitats; and contiguous forest. Those that shall be left undisturbed and require a variance to disturb include: threatened and endangered species, historic trees and trees with 30 inch dbh or greater or 75% of diameter of state champion.
- Increases the fee-in-lieu amount to \$0.30 per square foot and included an inflation rate adjustment.
- Modifies the acceptable uses for the fee-in-lieu fund to include maintenance of existing forests and achieving urban canopy goals for both state and local government.

SB581 Natural Resources – Roadside Trees – Protection and Enforcement (effective Oct. 1, 2009)

- Enables a county or municipality to adopt a local law or ordinance for the planting, care, and protection of roadside trees that is more stringent than the State statute. The local law or ordinance would not apply to public utility right-of-way routine maintenance or clearing per a required certificate of public convenience and necessity.
- Gives stop work authority to counties or municipalities that adopt a local law or ordinance.
- States that the Maryland Forest Service may authorize a county or municipality to enforce the State law.
- Prevents the issuing of a building permit by any county or municipality for any clearing, construction or development that will result in the trimming, cutting, removal or injury of a roadside tree until the applicant obtains a roadside tree permit.
- Established penalties for failing to obtain a permit or trimming, cutting, removing or injuring a roadside tree in violation of the permit.
- Requires SHA to include language, in their construction and maintenance contracts, that requires the protection of roadside trees to the maximum extent practical by contractors.