



DoE COUNCIL BILL COMMENTS

Reviewing Agency: Department of the Environment (DoE)

Date: May 9, 2025

Council Bill / Resolution: CB-046-2025

Bill Summary:

Revises CB-24-2024 CONCERNING WOODLAND AND WILDLIFE HABITAT CONSERVATION that was intended to comply with state-mandated revisions per the Maryland Forest Conservation Act. CB-046-2024(Bill) revises specific subtitles within CB-24-2024 that significantly expand the criteria used to determine exemption from the applicability of the Woodland Conservation Ordinance (WCO). All residential construction involving any single lot size, regardless of zoning, will be exempt from the WCO if the activity disturbs less than 20,000 square feet of woodlands. The proposed Bill also alters the exemption approval process, narrowly restricts the allowable uses of the Woodland Conservation Fund to exclude using the fund to plant urban street trees, modifies the alternatives for meeting conservation requirements on-site, modifies the threshold for fee-in-lieu usage, provides for credit for afforestation projects, removes inflationary clause for fee-in-lieu rates; revises specific definitions; and revises the applicability of the tree canopy coverage ordinance to include Qualified Projects as defined by COMAR. Including Qualified Projects as defined by the State further broadens residential projects that could be considered as part of a Transit-Oriented Center Base through location within a $\frac{3}{4}$ of a mile of any planned or existing MARC train and any train centers, resulting in reduced minimum reforestation and/or preservation threshold requirements.

Will this bill impact your Agency financially or operationally, or your Agency's mission?

☒ Yes ☐ No ☐ Undeterminable at this time

If yes, please select the appropriate impact: ☐ Positive Impact ☒ Negative Impact ☐ No Impact

Discussion of Impact:

1. *Substantially expands projects deemed eligible for a standard WCO exemption.* Expanding project eligibility for exemption will directly result in significantly reduced tree canopy and forest cover throughout our county. Reducing tree cover is counter to DoE's ongoing implementation of the Prince George's County Climate Action Plan, does not adhere to the environmental policies of Plan 2035, and does not support the forest expansion goals of the Maryland Tree Solution Act.
2. *Creates significant legal compliance issues with the state's Woodland Conservation Act (2022).* With Bill's expansion of eligible project exemptions, the county will doubtfully meet the state's mandate of no net tree loss. Of note, MNCPPC Planning was not involved in the drafting of the CB-046-2025. The Bill should be forwarded to the Office of Law for review to ensure compliance with the Woodland Conservation Act.



3. *Exacerbates tree equity and environmental justice issues.* Regardless of parcel(s) size, location, zoning, or build date, projects that do not cumulatively impact at least 20,000 square feet of woodland will be exempt from WCO requirements. Emblematic of urban blight, our county's numerous legacy strip malls and abandoned commercial properties are typically paved to the property line and thus have no trees or natural areas to disturb. These often-absentee owners of these properties will now be rewarded for years of perpetuating blight through this proposed Bill's broad exemptions to the WCO ordinance in perpetuity. Exempting large impervious properties will impede DoE's ability to meet ongoing NPDES retrofit permit requirements, combat urban heat island impacts, and reduce urban flooding from extreme precipitation events caused by unmitigated runoff from impervious land cover.

4. *Severely restricts WCO-generated fees for reforestation and afforestation projects.* Securing land for reforestation and afforestation projects within the same 12-digit subwatershed of a project is highly uncertain and could quickly become prohibitively expensive. Most, if not all other Maryland jurisdictions are intentionally flexible in the use of their WCO fee in lieu, allowing for various tree-related projects, including street tree plantings and critical supporting services. Given the current reduced availability of federal grant funding, without WCO fee generated funds, DoE's Urban Tree Program will no longer have a sustainable funding source for urban street tree plantings within the county's municipalities, HOAs, and open spaces. Without urban tree plantings, achieving CAP implementation goals centered on carbon sequestration through tree cover expansion, combating urban heat island impacts, and reducing our county's vulnerability to localized flooding through nature-based solutions will be severely diminished.
5. *Removes inflationary factors for all WCO-associated fees.* Already much lower than WCO fees charged by other Maryland counties, permanently setting the fee rate will increasingly diminish the intended function of fees to deter unnecessary tree removals. Fees will quickly become inadequate to provide the benefit/scale/size of projects equivalent to trees lost. As an ongoing example of how a set fee rate not tied to inflation or other factors can quickly result in a vastly underfunded county program, the County's Stormwater Management Fund serves as a stark reminder of why fees should always include inflationary factors.

Fiscal Impact:

If enacted, CB-46-2025 would essentially eliminate DoE's primary source of funding for its Urban Tree Program (Program). Combined with funds from the Stormwater Fund, grant funding, and WCO fees, the Urban Tree Program will have installed over 3,300 native trees within the Town of Fairmount Heights, Forest Heights, District Heights, multiple HOAs, and one church since its first planting during the winter of 2024 to early June of 2025. Woodland Conservation funds support Arbor Day Every Day and the Prince George's County Releaf Program. The Program has also developed a Tree App to enable cost-effective tree planting design and long-term tracking of all trees planted through the Program. Additionally, working with MWCOC, the Program developed a County-wide tree equity mapping tool that helps the Program prioritize tree planting projects using science-based analysis of the county's existing tree canopy, impervious surface area ratios, equity mapping, flooding, and heat vulnerability. The Program's planting focus is municipality street plantings, riparian buffers, replanting of forest conservation areas within HOAs, community public space plantings at churches, schools, HOAs, and other institutions. WCO funding is also leveraged as an essential match for highly competitive grant



opportunities. In FY25, DoE applied for \$2 million in grant funding through the CBT Urban Tree Grant Program. In supplement to limited funding from the Woodland Conservation Fund and the Stormwater Fund, the grant will help DoE plant 4,000 street trees within the City of District Heights, Capitol Heights, Seat Pleasant, and Bladensburg. An additional 2,000 trees will be installed within open spaces of HOAs, churches, schools, and other public spaces to expand the county's tree canopy through afforestation and reforestation plantings. Future planned programming for DoE's Urban Tree Program includes the establishment of a native tree nursery specifically structured to harvest and propagate the seed stock of our County's champion and specimen trees. Growing Our Own: Green Jobs & Green Communities will be a native nursery production program centered on leveraging the County's small and urban farmers to participate as contract growers of county sourced native tree stock. Plants and trees grown from the program will establish a reliable source for native plants sourced, grown and planted in the County. The plants will be available for Urban Tree Program, MNCPPC Parks, and PGCPS projects.

Agency Position Recommendation:

☐ Support

☒ Oppose

☐ Support with Amendments

☐ No position

Additional Information: Please see enclosed Attachment: *DoE Mission Impact.docx*

Contact: *Primary Contact:* Dawn Hawkins-Nixon, Associate Director, DoE, Sustainability: DHNixon@co.pg.md.us or 301-883-5839

Alternate Contact: Mary Abe, Deputy Associate Director, DoE, Sustainability: mabe@co.pg.md.us or 240-539-0511.

Date: May 9, 2025