



March 12, 2025

**FISCAL AND POLICY NOTE**

TO: Jennifer A. Jenkins  
Council Administrator

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THRU: Josh Hamlin   
Director of Budget and Policy Analysis

FROM: Alex Hirtle   
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Policy Analysis and Fiscal Impact Statement  
CB-013-2025 Woodland and Wildlife Habitat Conservation

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**CB-013-2025** (*proposed by: Council Member Olson*)

Assigned to the Transportation, Infrastructure, Energy, and Environment (TIEE) Committee

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AN ACT CONCERNING WOODLAND AND WILDLIFE HABITAT CONSERVATION for the purpose of strengthening enforcement of woodland maintenance requirements set forth in the woodland conservation ordinance; providing for periodic inspections of conservation areas after construction activities have been completed; and requiring annual reporting on inspection and enforcement activities.

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**Fiscal Summary**

**Direct Impact:**

*Expenditures:* Potentially significant additional expenditures required for training, system upgrades, and additional staffing (up to 14 positions).

*Revenues:* Possible additional revenues.

### **Indirect Impact:**

Potentially favorable.

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### **Legislative Summary:**

CB-013-2025 was presented on February 18<sup>th</sup>, 2025, and referred to the Transportation, Infrastructure, Energy, and Environment (TIEE) Committee. The proposed legislation requires the County to perform maintenance inspections no later than two years from the date of the issuance of use and occupancy permits for a subject lot or parcel. A subsequent inspection will take place of the subject lot or parcel within five years of the date of the initial inspection, and on an ongoing basis every five years.

An annual inspection report will be submitted by the County Executive to the County Council and the Planning Director every year covering the maintenance inspections as set forth in the previous paragraph. The Report will include a listing, by Council District, of all inspections conducted during the calendar year, and a statement of findings and corrective actions, if any were required, and their status during that calendar year. The Bill also requires property owners to correct any found violations within six months. Penalties for lack of correction include an initial fine of \$2,500, and \$5,000 for each subsequent month the violation has not been corrected.

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### **Current Law/Background:**

Subtitle 25, Division 2 of the Prince George's County Code sets forth the County's Woodland and Wildlife Habitat Conservation Ordinance. This ordinance details the regulatory regime used to carry out the State and County policies of protecting sensitive environmental features before, during, and after land development activities. Recognizing the importance of ongoing preservation of protected areas, the Maryland Forest Conservation Act (and its associated regulations) authorizes local governments to enter into long-term maintenance agreements to protect conservation areas from conditions that adversely affect woodland health. These agreements between the County and a property owner, typically by conservation easement, require that conservation area be maintained after traditional enforcement mechanisms (permit approval, surety bonds) have ended. This legislation addresses enforcement of these maintenance responsibilities by requiring the County to conduct an initial maintenance inspection of a conservation area within two years of issuing an initial use and occupancy permit for the subject property. Following that initial inspection, the County will conduct follow-up inspections every five years. Additionally, the County will issue an annual report that details the inspections conducted during the calendar year and the resulting enforcement actions. The annual report will be submitted to the Planning Department and County Council.

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### **Resource Personnel:**

- Eric Irving, Fiscal & Legislative Specialist
  - Julio Murillo, Chief of Staff (District 3)
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### **Discussion/Policy Analysis:**

It is the policy of the Prince George's County government to conserve and protect trees, woodlands and wildlife habitat by requiring site planning techniques and construction practices which prevent adverse effects on these sensitive environmental features.<sup>1</sup> Protection of sensitive environmental areas, particularly after a parcel of land has been developed, has had several pieces missing in an effective process to ensure that tree stands, habitat areas, and unique natural features such as parcels with heritage and specimen trees are preserved in perpetuity, and will not be destroyed or developed in future generations. This legislation aims to fill the missing gaps of the protection process by utilizing the Maryland Forest Conservation Act in extending maintenance agreements with conservation areas that are past the traditional enforcement mechanisms of permit approvals and surety bonds (which may have expired and since released to the applicant).

The legislation requires maintenance inspections on wooded conservation areas to ensure no development or other destruction of the parcel has occurred, invasive species have not degraded the lot, stormwater runoff or other water encroachment has not affected the root structure of the trees, or other infringement of the parcel has caused degradation or destruction of the protected natural habitat. The maintenance schedule extends every five years beyond an initial two year inspection (after issuance of the use and occupancy permit), and assuming the inspection process remains integral, the property owner is obliged to correct any violation found during an inspection. A robust violation process and penalty amounts were included in the Bill to deter paying the fine as just an expense of doing business and/or avoiding correcting the violation, which is important in these types of circumstances.

It will be particularly important that staff overseeing the system of inspections, reporting, oversight, and issuance of violations remain vigilant with the associated responsible parties, which include the Council, the Planning Department, the County Executive and associated administrative agencies. Given the turnover within some of these entities, the provisions of this legislation could possibly be overlooked, forgotten, not adhered to, or even muted by future legislative or executive bodies, if these protected environmental areas are not recognized as important.

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### **Fiscal Impact:**

- *Direct Impact*

The Department of Permitting, Inspections, and Enforcement (DPIE) reported that the current staffing levels are not able to conduct the additional inspections required by the Bill. Training

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<sup>1</sup> [County Code, Sec. 25-117](#)

would need to be provided to new staff to fulfill the proposed legislative's goals; about fourteen (14) new staff would have to be hired (this cost was not provided). Momentum upgrades would also need to be implemented, at a cost of about \$58,500. Finally, the Department would need to provide office space for the new hires, as well as vehicles. Total cost was calculated at over \$100,000 plus the annual cost of 14 new hires' salaries and benefits, vehicles, and additional office space, furnishings and office supplies.

- *Indirect Impact*

Enactment of CB-013-2025 should have a favorable indirect impact on the County by increased preservation of the County's sensitive woodland areas, increasing tree canopy, mitigating stormwater run-off, and providing aesthetic enhancement to areas with these conservation parcels. Trees also tend to increase land values, which can enhance tax revenue through the land assessment process the State employs.

- *Appropriated in the Current Fiscal Year Budget*

No.

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**Effective Date of Proposed Legislation:**

The proposed Bill shall be effective forty-five (45) calendar days after it becomes law.  
Staff would need to

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If you require additional information, or have questions about this fiscal impact statement, please reach out to me via phone or email.