



CHESAPEAKE BAY AND WATER RESOURCES POLICY COMMITTEE MEETING SUMMARY-DRAFT

July 27, 2018

LINK TO ALL MEETING PRESENTATIONS AND MATERIALS:

<https://www.mwcog.org/events/2018/7/20/chesapeake-bay-and-water-resources-policy-committee-meeting/>

I. OPENING REMARKS

Chair Garvey opened the meeting at 9:30 a.m., introducing the guest speakers from Montgomery County to talk about the Tree Canopy laws and practices in Montgomery County.

2. APPROVAL OF THE DRAFT SUMMARY FROM MARCH AND MAY MEETINGS.

Both the March and May CPBC meeting summaries were approved by the committee.

3. TREE CANOPY PROGRAMS: LOCAL AND REGIONAL EFFORTS

Ms. Laura Miller, Montgomery County DEP Division of Environmental Policy & Compliance, presented the laws and practices in Montgomery County to preserve trees in the county. The full presentation is available in the link above, but highlights include:

- Montgomery County has a 26-year Forest Conservation Law that was established to slow the loss of forests when tracks of lands were being converted to subdivisions. Forest loss is mitigated through reforestation and forest banking.
- In 2014 Montgomery County added the Roadside Tree Protection Law and the Tree Canopy Law, to apply to developers and builders. The Roadside Tree Protection Law requires that when a tree is removed, a tree must be replaced in that area as well as payment for two additional roadside trees. The Tree Canopy Law applies to disturbances where a Sediment Control Permit is required. If a tree is removed within the development boundaries (Limit of Disturbance), the developer is required to plant a certain number of trees (see table, slide 23), or pay an in-lieu fee of \$250 per tree.
- Trees are most often removed from properties to meet grade requirements for new, taller homes. And, as homes have increased in size (relative to their lot size), there is usually more construction impacting existing tree roots.
- Montgomery County has a program called “Tree Montgomery” that partners with residents to identify yards (400 sq. ft. open area is required) where the County can plant a tree and provide free after-care information and alerts. This program is advertised via Twitter, Facebook, email, and the County website (treemontgomery.org). The County-approved species of shade tree have a minimum 2-inch caliper diameter. Over two thousand trees have been planted via this program.
- If the County plants the tree, then the County replaces any saplings that do not survive. However, if the developer plants the tree there is no warranty or replacement requirement.
- Maryland Department of the Environment gives one “impervious surface removal (ISR)” stormwater credit per 300 trees planted.
- To measure the total tree canopy acres overlooks tree distribution, canopy age, and canopy species.
- The U.S. Forest Service has valued an average tree as providing a \$329 benefit per year.
- I-Tree Hydro has a hydrological benefits calculator for trees.
- Neither method of accounting for benefits is a true capture of the cost/benefits of a tree over time.

Member Discussion

- What is Montgomery County doing to protect trees from Pepco, which has been criticized for cutting back trees to protect power lines?
 - Currently there is not a mechanism to require tree replacement by utilities as this activity is regulated by the Public Service Commission.
- Committee members noted that sometimes there is pressure from insurance companies to remove trees because of the potential risk of damages due to tree age/disease. It was also noted that residents need to budget for and do tree maintenance over time; it can prevent property damage from trees and tree removal is costly.
- A question was raised whether trees have a role in stream restoration projects, to reduce flashiness of storms impacts to the newly restored streams?
 - Ms. Miller replied that trees do help protect stream restoration by lessening erosion.
- Another question was asked whether tree programs are selecting tree species that can survive climate change (tending towards southern zone) and resist pests?
 - Ms. Miller said the tree species that Montgomery County plants does account for tree species shifts due to climate forecasts.

Mr. Stephen Walz, COG DEP, presented an overview of COG's Tree Canopy Strategy, which lays out the benefits of trees, covers the history of tree preservation programs in the region, lists the common threats to trees, and recommends next steps for regional efforts to preserve trees and tree canopies. The Strategy was developed by COG's ad hoc Tree Canopy Workgroup. The full presentation is available via the link above, but highlights include:

- Trees are valuable for air quality, water quality, and quality of life (i.e., triple asset).
- Tree conservation laws and programs have been active in our region for a long time, dating to 1885 for Falls Church village. See presentation for a detailed table of Urban Forest Programs in the region.
- In 2013, Chesapeake Bay Program data was used to establish a new tree canopy baseline, since the prior USGS land cover data had less resolution. There is currently ~45% non-fragmented forest (> 1 acre); not very different from the 40-50% canopy cover in post-European settlement.
- Some of the major threats to trees include development/redevelopment; pests, diseases, invasive species; deer; storms; and insufficient space and diversity of species.

The Tree Canopy Workgroup recommended the establishment of a standing subcommittee that would focus on tree policy (forests and canopy). Mr. Walz noted that this could be established under as Climate, Energy and Environment Policy Committee (CEEPC) subcommittee. Such a subcommittee would need to include representation from the forestry, climate, water and air sectors.

Action item:

- CBPC members supported the recommendation of a CEEPC Forest and Tree Canopy subcommittee with water sector links.
- COG staff will work with CEEPC this fall to further develop the idea of a multi-sector Tree Subcommittee

4. CHESAPEAKE BAY PROGRAM UPDATES

Tanya Spano, COG staff

Ms. Spano presented updates on the Chesapeake Bay Program's (CBP) schedule and key issues that COG is tracking.

- There have been minor shifts in the Chesapeake Bay Program schedule, but importantly, the Bay Program is still preserving the timeline for the Phase III Watershed Implementation Plan (WIP) development and review process – which includes local government input: Draft WIPs are to be developed by April 2019, and final WIPs by August 2019.
- The CBP's Principal's Staff Committee met in September and approved the following:
 - The negotiated *special cases* for West Virginia and New York
 - The final Planning Targets for the Phase III WIPs.
 - Locking in the technical corrections for how the target loads were finalized, to provide certainty for planning purposes.
 - While the Planning Targets account for growth, they do not account for Conowingo loads or climate change impacts.
- COG is paying attention to nitrogen Planning Targets and the implications for the wastewater sector as Maryland finalizes its nutrient trading regulations, which will detail what is allowed for trading between stormwater and wastewater sectors.

Ms. Spano also referenced the handout of the proposed topics for the September 21st CBPC Forum with EPA and States, saying the key focus areas will include discussions of Phase III WIP plans, the Conowingo WIP, and climate change.

- WRTC and COG staff recommended that the CBPC send a letter to the CBP's Principals' Staff Committee (PSC) to emphasize the need for early and clearly defined local government participation in the new Conowingo WIP process. Staff would draft a letter for the CBPC's consideration.

Action item:

- CBPC agreed with the recommendation to send a letter to the PSC regarding local input to the Conowingo WIP process.
- COG staff will circulate a draft letter for the CBPC's review and approval over the next few weeks.

5. STAFF AND MEMBER UPDATES

- Ms. Bonnaffon noted the extremely effective CBPC member messaging for Chesapeake Bay Awareness Week (June 2-10), saying the COG region represented over half of the Tweets in the whole Bay watershed.
- Ms. Antos announced DOEE's plan to apply for Bay Program Water Quality Goal Implementation Team (WQGIT) funding for the PAH/sealants certification protocol and requested CBPC members provide their support to the WQGIT Chairs.
- Mr. Rice shared information about Dispose RX which has produced a small packet of material that neutralizes medications, for safe disposal in the trash (e.g., source water protection). Dispose RX and Wal-Mart have partnered to include these packets with all opioid prescriptions.

- o Ms. Bonnaffon will share the Dispose Rx information with COG's Community Engagement Campaign committee, and she reminded everyone that the [Protect Your Pipes website](#) contains information on safe medications disposal/avoid flushing medications. The website includes a list of permanent drop boxes.

6. ADJOURNMENT OF MEETING

Chair Garvey adjourned the meeting at 11:00 a.m.

ATTENDANCE

Members and Alternates:

Libby Garvey, Chair, Arlington County

Elissa Silverman, District of Columbia

Jon Stehle, Fairfax (phone)

Penny Gross, Fairfax County

Dan Sze, Falls Church

Laurie-Ann Sayles, Gaithersburg

J. Davis, Greenbelt

Craig Rice, Montgomery County

Cindy Dyballa, Takoma Park (phone)

John Deignan, DC Water

Clara Elias, DOEE

Katherine Antos, DOEE

Patty Bubar, Montgomery County

Adam Ortiz, Prince George's County

Mark Charles, Rockville

Joel Caudill, WSSC (phone)

Guests:

Shelby Deegan, Arlington County

Vincent Verweij, Arlington County

Kate Bennett, Montgomery County DEP

Laura Miller, Montgomery County DEP

Stan Edwards, Montgomery County DEP

COG Staff:

Heidi Bonnaffon, COG DEP

Steve Walz, COG DEP Director

Tanya Spano, COG DEP RWQM Chief