



DEVELOPMENT REVIEW BULLETIN

Bulletin No. 4-2022

Subject: Forest Conservation Act Reporting Information
Update to Type 2 Tree Conservation Plan (TCP2) Requirements

Resource: Environmental Planning Section, Countywide Planning Division

Date: July 5, 2022

Maryland's Forest Conservation Act (FCA) and the County's Woodland and Wildlife Habitat Conservation Ordinance (WCO) allow the Maryland-National Capital Park and Planning Commission to require additional information and data from applicants to demonstrate compliance with the WCO. Section 25-120(a)(2) requires the County, at the end of the fiscal year, to submit to the State of Maryland Department of Natural Resources (DNR) an annual report containing all documentation required by the Code of Maryland Regulations (COMAR). That documentation is listed in COMAR 08.19.02.05 and includes:

- (1) Number, location, and types of projects permitted since the last annual report;
- (2) Amount and location of acres cleared, conserved, and planted, including any areas located in the 100-year floodplain, in connection with a development project;
- (3) Amount of reforestation and afforestation fees and noncompliance penalties collected and expended, the number of acres for which the fees were collected, and the number of acres reforested, afforested, or conserved using the fees;
- (4) Size and location of all forest mitigation banks approved in the past year;
- (5) Number of acres debited from each forest mitigation bank since the last annual report;
- (6) List of the forest mitigation banks inspected since the last annual report;
- (7) Costs of implementing the forest conservation program; and
- (8) Number, location, and types of violations and enforcement activities conducted.

In addition to the reporting documentation outlined in COMAR, DNR requires counties to report on other site-specific information; specifically, DNR requires woodland information within 50-foot stream buffers to be reported. Section 5-1601(II) of the Natural Resources Article defines stream buffers as follows:

"Stream buffer" means all lands lying within 50 feet, measured from the top of each normal bank of any perennial or intermittent stream.

Because the state defines stream buffers differently than the County Code, an exhibit or inlay shall be provided as part of the TCP2 plan set to show these features. The exhibit shall be titled “COMAR 50-Foot Stream Buffer.”

To comply with these state reporting requirements, additional information shall be shown on all TCP2s for Fiscal Year 2023 and beyond. The required information shall be provided in the form of a table and an inlay or exhibit. The following table contains core reporting features required by the state that shall be provided on all TCP2s. The table is intended to more accurately reflect changes made to these features in TCP revisions. This will ensure that only the changes (and not the cumulative information) are captured for reporting. For phased plans, the information for the entire site should be used to fill out this table. The table and exhibit or inlay shall be required on all TCP2s from the date of this Bulletin.

Forest Conservation Act Reporting Information (Change Table)				
	Original Approval	Revision Number (-01)	Revision Number (-02)	Cumulative Change
Net Tract (Acres)				
Existing Woodland (Acres)				
Woodland Cleared (Acres)				
Woodland Retained On-Site (Acres)				
Woodland Planted On-Site (Acres)				
On-Site Woodland Easement/ Preservation and Planting (Acres)				
On-Site Wooded Floodplain in Easement (Acres)				
Bond Amount				
Fee-In-Lieu Amount				
50' Stream Buffers Conserved (Preservation) - Linear Length				
50' Stream Buffers Conserved (Preservation) - Acreage				
50' Stream Buffers Newly Established (Afforestation) - Linear Length				
50' Stream Buffers Newly Established (Afforestation) - Acreage				
Off-Site Woodland Conservation Credits Required (Acres)				
Off-Site Woodland Conservation Credits Provided (Acres)				

Information regarding the WCO program, including the table, can be found on the Woodland Conservation page of the Environmental Planning Section's website:

<http://pgplanning.org/1564/Woodland-Conservation-Ordinance>

Should you have any questions regarding this Bulletin, please do not hesitate to contact the Environmental Planning Section at 301-952-3650 or PPD-Enviroplanningquestions@ppd.mncppc.org.