# PROCESS FOR ESTABLISHING A

# WOODLAND CONSERVATION BANK IN PRINCE GEORGE’S COUNTY

# Revised: December 2024

Notes:

1. Document A refers to the Declaration of Covenants for a Woodland Conservation Bank.

Document B refers to the Off-site Woodland Conservation Acreage Transfer Certificate.

2. A woodland conservation bank is a property that has an approved TCP2, a recorded Declaration of Covenants, a Forest Stewardship/Management Plan and has completed the necessary requirements to transfer woodland conservation credit for a benefitting property.

3. The “**Office of Law**” refers to the legal department that is part of the Office of the County Executive.

4. The time frames provided are approximate and refer to calendar days.

5. All special case questions will be forwarded to the **Office of Law** for decisions and direction.

# Step A. Evaluation of Proposed Off-site Banking Property

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| Step | Activity | Time Frame |
| 1 | The property owner or their agent meets with the Environmental Planning Section (EPS), Prince George’s Planning Department to discuss the suitability of a property proposed as a woodland conservation bank. EPS provides information about woodland conservation banking site selection criteria. |  |
| 2. | A completed “Off-site Bank Site Evaluation Request Form” is submitted to EPS for formal review, along with any information or documentation requested (i.e., copies of existing easements, deeds, FSD, forest management or stewardship plan etc.). | Up to 30-day review period |
| 3 | An Off-site Woodland Conservation Bank Evaluation is completed by EPS staff with a recommendation of whether a site is suitable based on review criteria. provided in the current Maryland Forest Conservation Act and local ordinance.  |  |

**Step B. Review and Approval of a Natural Resources Inventory (NRI) and TCP2**

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| Step | Activity  | Time Frame |
| **1** | **NRI Review and Approval**  |  |
| 1a | The property owner or agent digitally submits an NRI application for the entire property proposed as a woodland conservation banking site to EPS which includes the following: 1. Application form for an NRI
2. An NRI plan per the NRI checklist for the appropriate NRI type.
3. A Forest Stand Delineation
4. Other information as required in Part A. of the ETM.
5. Copies of the deed to the property, and other easements or encumbrances required to be shown on the NRI or TCP2

The NRI application can be submitted concurrently with the TCP2 application and may be combined on the same plan in some cases. There is no fee associated with an NRI application. Approval of the NRI precedes approval of the TCP2. | Up to 30-day review period |
| 1b. | EPS staff reviews the NRI plan and documents for all required technical elements. |  |
| 1c. | EPS provides comments on the NRI to the applicant; and requests additional information or revisions which may be required. |  |
| 1d. | Applicant digitally submits revised NRI, and/or additional information as required for review. |  |
| 1e. | When all required revisions and information have been provided, EPS signs the NRI plan digitally and provides a copy of the approved digital plan to the applicant. |  |
| 1f.  | EPS places a digital copy of the approved plan in the designated digital file with supporting documentation.  |  |
| **2** | **TCP2 Review and Approval**  |  |
| 2a. | The property owner or agent digitally applies for a TCP2 for a woodland conservation bank to EPS which includes the following information:a. An application form for a TCP2b. A TCP2 plan per the TCP2 checklist for woodland conservation banksc. A currently valid NRI pland. A draft forest stewardship/management plan,A separate check or money order made out to M-NCPPC in the appropriate amount is submitted to EPS by mail or in person. Processing of a TCP2 does not begin until payment is received. | Up to 30-day review period |
| 2b. | EPS staff reviews the TCP2 for all required technical elements. |  |
| 2c | EPS provides comments on the TCP2 and the forest stewardship plan to the applicant; additional information or revisions may be required.  |  |
| 2d. | Applicant submits revised TCP2, forest stewardship plan and/or additional information as required for EPS review and comments. |  |
| 2e. | When all required revisions and information have been provided or addressed, EPS requests a finalized digital TCP2 plan in a black and white pdf format for signature approval and a “colored” digital TCP2 plan in a pdf format for the FCA Woodland Conservation Area GIS layer. After final TCP2 plans are submitted, the applicant proceeds with Step C (below) for the preparation and recordation of the Declaration of Covenants. EPS approves the TCP2 plan after the Declaration of Covenants is recorded in the Land Records. EPS signs the TCP2 plan digitally and provides an approved digital plan to the applicant. |  |
| 2f. | EPS places approved digital copies of the TCP2 and the forest stewardship plan in the digital file along with supporting documentation.  |  |

**Step C. Preparation and Recordation of Declaration of Covenants (Document A)**

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| 1 | EPS provides the property owner or agent with copies of applicable template documents (A and B). |  |
| 2 | Declarant property owner submits a draft of Document A for EPS review. Note that attachments include a legal description and exhibits of the woodland conservation bank area (Attachment ‘A’) and a blank copy of the Off-site Woodland Conservation Transfer Certificate (Exhibit ‘B’).  Also note that a mortgage subordination clause is included and must be signed by the mortgagor(s) of the property, if applicable. |  |
| .  | EPS checks the information and acreages on Document A for accuracy and returns for revisions and signature if needed. EPS provides comments on draft documents to the applicant or their agent. Metes and bounds descriptions of easement areas must be signed and sealed by a professional surveyor.  |  |
| 4 | Declarants provide supporting documentation for legal review to EPS, as applicable: a. A report of title, including the most current deedb. If the owner is a corporation, include: A certificate of good standing from the State of Maryland, and a letter of authorization for the signing party.   |  |
| 5. | EPS staff forwards signed declaration, exhibits and supporting documentation to the **Office of Law** (OOL) for review and comment. Legal staff reviews title information to determine if there are conflicting encumbrances and provides comments to EPS. | Review by **Office of Law** within 21 days of receipt of information |
| 6 | **Office of Law** returns either approved documents or documents with comments that need revisions. |  |
| 7 | EPS provides all comments to the property owner or agent. When the declaration is found legally sufficient, it is returned to the Declarant property owner for recordation. | Within five days of receipt |
| 8 | Declarant property owner records Document A in the Land Records along with Attachment ‘A’ and Exhibit ‘B.’ | Recordation process takes up to 21 days |
| 9 | Declarant property owner submits a copy of the recorded Declaration to EPS and EPS places it in the TCP2 file. | Prior to transfer of woodland conservation credits.  |
| 10 | If afforestation is proposed within the woodland conservation bank, bonding of the planting for a minimum of four years must be submitted to EPS prior to the transfer of woodland credits. In lieu of bonding, applicant can plant the area or allow to naturally regenerate, for a minimum of four years and certification of successful planting or regeneration to woodlands prior to transfer of credit.  |  |
| 11 | EPS adds the bank to the listing of approved woodland conservation banks. |  |
| 12 | Bank is ready to process woodland conservation transfer certificates under Step D.  |  |

**Step D. Documents for a TRANSFER CERTIFICATE within a WOODLAND CONSERVATION BANK**

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| 1 | EPS provides a complete and current listing of approved woodland conservation banks on MNCPPC website. | Within 1 week of request |
| 2 | Declarant property owners or their agents enter negotiations with parties needing off-site woodland conservation credits. |  |
| 3 | Declarant property owner or agents for the proposed purchaser complete a Statement of Justification (SOJ) for the proposed off-site easement location based on priorities contained in Subtitle 25-122(a)(6) of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) for EPS review and approval.  |  |
| 4 | EPS evaluates location of off-site woodland proposed, and approves location, or notifies requestor of whether the site is satisfactory. If the location is not satisfactory, an alternative location must be proposed for evaluation and approval by EPS. |  |
| 5 | Declarant property owner submits to EPS a Draft Transfer Certificate (Document B) and Sales Agreement |  |
| 6 | EPS checks numbers of TCP citations and acreage requirements on the draft transfer certificate. EPS returns any comments on documents to applicant/agent for corrections, if required. | Within 5 days of receipt of correct documents |
| 7 | Declarant property owner signs the approved Transfer Certificate (Document B), records Transfer Certificate in Land Records and pays the transfer tax and the recordation tax. |  |
| 8 | Declarant property owner submits a copy of the recorded Transfer Certificate to EPS. | Recordation process takes from 3 to 14 days |
| 9 | EPS updates the approved TCP2 woodland conservation summary table to include the metes and bounds of the acreage contained in the Transfer Certificate; the name and TCP2 of the benefiting property; the recordation number (Liber Folio) of the Transfer Certificate; and total acreage transferred. EPS signs the updated TCP2 next to the transfer certificate information in the woodland conservation summary table and the TCP2 is replaced in the file.  |  |
| 10 | EPS places a digital copy of the Transfer Certificate in the woodland conservation bank’s TCP2 file and the benefiting property’s TCP2 file. |  |
| 11 | EPS adds Transfer Certificates to the EPS Woodland Conservation database. |  |
| 12 | EPS releases any grading permits on hold for the provisions of off-site woodland conservation. |  |

**Step E. Follow up on a WOODLAND CONSERVATION BANK**

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| 1 | For woodland conservation banks with afforestation which are within the required maintenance period, annual survival counts are submitted to EPS until woodland conservation area has been successfully established (a minimum of five years)  |  |
| 2 | When woodland conservation areas have been successfully established, based on survival counts submitted by a qualified professional, applicant may request release of the bond from DPIE. |  |
| 3 | Once a woodland conservation bank is established, the property owner is responsible for maintaining the designated areas in compliance with the approved TCP2. Failure to do so is a violation of the Woodland and Wildlife Habitat Conservation Ordinance. The County may inspect the property to determine conformance with the TCP2. |  |