

**October 2020 Draft Forest Conservation Manual  
Public Comment and Response**

<b>Comment ID</b>	<b>Comment</b>	<b>Chapter</b>	<b>Response</b>
2898	Glossary of Terms, Historic Site. Or on the Maryland Inventory of Historic Properties.	App A	Requires change in Forest Conservation Act (FCA).
2842	Glossary of Terms, Historic Site. any site or structure listed on the Howard County Historic Sites Inventory or that is part of a Howard County Historic District.	App A	Requires change in FCA.
2901	Section 1.0 should add emphasis on reforestation and afforestation with native species. This is treated later but should be foregrounded in this introduction.	Chpt 1	Edit made to address comment.
2867	Section 1.2 historic sites should include historic districts, both as defined by Howard County, and by the National Register of Historic Places.	Chpt 1	Edit made to address comment.
2812	Section 1.2 The Audubon Society of Central Maryland appreciates the opportunity to comment on this draft. We recommend that the manual begins with a recognition that healthy local forests should be dominated by native plants, which support native wildlife as well as being easier to maintain than non-native trees and other flora. Native forest plants should be emphasized throughout the document.	Chpt 1	Edit made to address comment.
2813	Section 1.2 Native tree species could be emphasized here as well. Non-native tree plantations for example should not qualify as forest cover due to their limited value to biodiversity or ecological health.	Chpt 1	Edit made to address comment.
2846	Section 1.3.1 Having TWENTY exemptions seems excessive, making it more challenging to accomplish retention.	Chpt 1	Requires change in FCA.
2902	Section 1.3.1 Agreed. but the manual tracks the legislation, not the other way around.	Chpt 1	Requires change in FCA.
2845	Section 1.3.1 Who defines what is NECESSARY? Such broad concepts have been the ruin of many HoCo regulations. 'Necessary' to produce a maximum number of units on a parcel should NOT be the low bar.	Chpt 1	Requires change in FCA.
2843	Section 1.3.1 This sounds like an exemption designed to protect a specific development or builder, such as Turf Valley. If so, such exemptions should not be permitted IMO.	Chpt 1	Requires change in FCA.
2844	Section 1.3.1 It's unclear whether the forest could be chipped away by this amount EACH year.	Chpt 1	Requires change in FCA.

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2815	Section 1.5 Native reforestation; plantings of Japanese cherry trees, callery pears, and other non-native trees for example should not be considered as reforestation work.	Chpt 1	Edit made to address comment.
2814	Section 1.5 Native forest communities	Chpt 1	Edit made to address comment.
2816	Section 1.5 should require thoughtful planning in selection of diverse tree and understory plants to assure a diverse native forest community.	Chpt 1	No edit proposed; Manual provides requested information.
	In Chapter 1, the Manual should repeatedly emphasize that forest retention, reforestation, and afforestation must prioritize rare, endangered, and native Maryland species, as well as trees that are part of a historic site or associated with a historic structure. This emphasis should be beefed up in several subsequent subsections of section 1 (e.g. 1.3, 1.5, etc.) as well.	Chpt 1	Edit made to address comment.
	Section 1.5. The first bullet refers to individual trees that "may be affected" by the Forest Conservation Program, such as "Champion trees or those associated with historic sites." Since neither the Act nor the Manual specifies conditions under which such trees may not be affected by the FCP, stronger, more precise language is needed here: While some individual trees are affected by the FCP.	Chpt 1	Edit made to address comment.
2825	Section 2.1 This should read "details".	Chpt 2	Edit made to address comment.
2847	Section 2.1 Glad to see this included.	Chpt 2	No edit proposed; Manual provides requested information.
2826	Section 2.1 This sentence doesn't flow well given the context of this section (this section is about FSDs). Consider revising this sentence in the following manner so that it flows better: "The FSD must be updated if the Forest Conservation Plan is not approved within five years".	Chpt 2	Edit made to address comment.
2848	Section 2.2.2 Environmental Features. Suggest also include state-identified Targeted Ecological Area. These TEAs should be untouched.	Chpt 2	No edit proposed.
2849	Section 2.2.2 Site Vicinity Map. This is a critical provision. We must stop evaluating properties for development as if they existed in a vacuum. Too many forested areas beyond the borders of a property are impacted by heavy equipment crushing roots, stormwater filled with salt for snow removal, etc.	Chpt 2	Requires change to FCA.
2850	Section 2.2.3 Having difficulty understanding how areas of felled trees count as forest if felled by man rather than nature. Is there a distinction made here?	Chpt 2	Requires change to FCA.
2851	Section 2.2.4 Forest Stand Analysis Table. Include TEAs please.	Chpt 2	No edit proposed.

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2854	Section 2.2.6 FSD Narrative. This is a vast improvement! It will take a departmental commitment however to make it clear to developers that this is not just busy work, but instead a commitment to examine forests BEFORE unit number and placement is considered.	Chpt 2	No edit proposed.
2853	Section 2.2.6 FSD Narrative. This is such a wonderful objective! But I fear the use of computer generated development plans with criteria set to produce what is believed to be a maximum number of units allowable is the norm. For this to be effective, it would appear that a FSD should come well before preliminary site plans delineating units. This one change could have a huge impact on forest retention. In other words, the FSD should be one of the first documents considered in the development process, due to its importance.	Chpt 2	No edit proposed.
2852	Section 2.2.4 Forest Stand Analysis Table. Could there be an added classification to distinguish the types of trees more susceptible to having roots crushed or unable to withstand root trimming, changes in the level of dirt around them, etc? This would address likely survivability.	Chpt 2	No edit proposed.
2869	Section 2.2.6 FSD Narrative. Relationship to Other Environmental Features should include nearby conservation easements as well.	Chpt 2	Edit made to address comment.
	The National Park Service definition would clarify this: National Park Service definition <b>Historic Site</b> : A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. Additionally, the Maryland Code says: "Trees that are part of a historic site or associated with a historic structure "	Chpt 2	Requires change in FCA.

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	<p>I find the definitions for historic site and historic structure go against national standards and are inadequate for meeting the state forest conservation legislation standard. The National Park Service definition is far clearer and references a historic site as a location that may or may not have a structure. It is clear that the Md Code sees that a historic site is different than a historic structure. Our definitions need to distinguish in a similar manner that historic sites are different than historic structures. I would therefore propose the following as the definitions: <b>Historic Site</b> - A location situated within Howard County which, together with its appurtenances and environmental setting, have significant historic or architectural value and have been officially designated as such by National or State Historical registries or by resolution of the County Council.</p> <p><b>Historic Structure</b> – a structure or cluster of structures situated within Howard County which, together with its appurtenances and environmental setting, have significant historic or architectural value and have been officially designated by National or State Historical registries or by resolution of the County Council.</p>	Chpt 2	Requires change in FCA.
	<p>Section 2.1, the introduction to Forest Stand Delineation, contains the followings sentence: "An FSD uses a combination of resource mapping and field assessment to inventory and describe the existing forests and related environmental resources on the site." However, section 2.2.2 distinguishes "environmental resources" from "other site features" such as historic structures or other historic resources, including trees and cemeteries. We urge a rewording the sentence above to read " ... and related environmental and/or historic resources on the site." We also suggest prioritizing the "Historic structures" bullet in sec. 2.2.2, as the identification of historic structures may be a critical factor in the retention and protection of trees associated with them,</p>	Chpt 2	Edit made to address comment.
	<p>Section 2.2.5 refers to "historic trees." If this is a shortcut reference to "trees that are part of a historic site or associated with a historic structure," as it appears to be (the language also applied in Maryland state law), then "historic trees" should be included in the glossary (appendix A).</p>	Chpt 2	Edit made to address comment.
	<p>Section 2.2.6 neglects to include in the framework for the Forest Stand Delineation Narrative any reference to "historic trees" or description of a forest stand in relation to historic site(s) or structure(s). Such trees . . . should also be sewn into the FSD Narrative.</p>	Chpt 2	No edit proposed; Manual provides requested information.

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	<p>The Manual tracks HCFCFA with respect to the priority given to protection of "Trees that are part of a historic site or associated with a historic structure," but in following the Act's restrictive stipulation (16.1201) of such historic sites and structures (3.5.2.1: "An historic site is any site or structure listed on the Howard County Historic Sites Inventory. An historic structure or cluster of structures have significant historic or architectural value and have been designated as such by resolution of the County Council"), the Manual duplicates the Act's conflict with Maryland forest conservation law, inserting a weaker standard. Even putting aside that the Howard County Historical Sites Inventory is incomplete, ongoing, patchy, in significant ways unrepresentative, and meant primarily as a reference for tax credits, Maryland Code allows for no such restriction on the definition of historic sites or structures, deferring possible local authority only to the designation of champion trees (Maryland Code, Natural Resources, sec. 5-1607 .c.2.ii). Federal, State, and County definitions of historic sites and structures should be based on National Park Service Historic Code. PHC recognizes that this is a matter for legislative amendment but recommends that the Manual remove the unwarranted local lesser standard to be compliant with superseding State law.</p>	Chpt 2	Requires change in FCA.
2855	Section 3.0 Hallelujah	Chpt 3	No edit proposed; the Manual contains requested information.
2870	Section 3.0 Need to define what reasonable use of the property means.	Chpt 3	No edit proposed; the Manual contains requested information.
2833	Section 3.2 Net Tract Area. If the flood plain is forested, I would agree with the assumption. However, if there is no forest cover next to the stream, I would think that it should be included in the net tract area so that it could be reforested.	Chpt 3	Requires change in FCA.
2873	Section 3.1.3 Fee-in-Lieu Request. Again, need to define "reasonably". You could drive a truck through this loophole.	Chpt 3	No edit proposed.
2832	Section 3.1.3 Waivers. There needs to be a section as to what the requirements are in order to seek alternative compliance. Also that financial hardship is not an acceptable request.	Chpt 3	Edit made to address comment.

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2900	Section 3.1.3 Waivers. Since it's not noted elsewhere in the Manual, this passage on Waivers should track the requirement in CB62-2019 (16.1216) that the waiver application must demonstrate that compliance would impose an undue hardship, and that increased cost and inconvenience do not factor in what constitutes undue hardship.	Chpt 3	Edit made to address comment.
2875	Section 3.2.2. This treatment of stormwater management should apply universally, not just in Rural Cluster.	Chpt 3	No edit proposed.
2830	Section 3.2.4 Net Tract Area for SDP. This is too confusing. Can this be re-thought so that a resident/developer can better understand? Perhaps explain the "off-site" reference better, in terms of how the off-site area complies?	Chpt 3	Edit made to address comment.
2856	Section 3.3.3 The examples with drawings and charts was very helpful in trying to understand this. Thank you. I do get the principle of incentivizing and will have to hope that the cost of reforestation and afforestation is sufficiently high enough to be a deterrent to clearing.	Chpt 3	No edit proposed; the Manual contains requested information.
2877	Section 3.4.1 Mitigation Banks and Off-Site Locations. Need a definition of what constitutes "inappropriate". Is retaining forest "inappropriate" if it reduces the number of units in a development?	Chpt 3	Edit made to address comment.
2857	Section 3.4.1 Mitigation Banks and Off-Site Locations. Would this be a means of purchasing additional privately held land which is classified as a Targeted Ecological Area???	Chpt 3	No edit proposed.
2878	Section 3.4.1 Mitigation Banks and Off-Site Locations. This is one-sided. You have to consider the situation with the on-site alternative. What if the on-site forest that could be retained is in an environmentally sensitive area, or is adjacent to already protected lands?	Chpt 3	No edit proposed; Manual provides requested information.
2858	Section 3.4.3 Retention Banks and Off-Site Retention. Does that development potential include land for non-residential development?	Chpt 3	No edit proposed; Manual provides requested information.
2865	Sorry. I've lost track of the spot where I wanted to make a comment about the minimum distance of 100' from streambeds so I'm placing it here rather than forget it. That 100 feet may be serviceable across gently sloping land, but when there are steep slopes to the stream, it is quite inadequate.	Chpt 3	Requires change in Subdivision Regulations.
2861	Section 3.5 Forest Retention Areas. Currently it appears that land under conservation easement 'protection' can be heavily used for all manner of commercial uses such as the giant swing, zipline, and ropes course at Terrapin Adventure. Would the new Act prohibit such use?	Chpt 3	No edit proposed; Manual provides requested information.

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2859	Section 3.5 Forest Retention Areas. Sounds like a good incentive to report the exotic invasives up front.	Chpt 3	No edit proposed; Manual provides requested information.
2879	Section 3.5 Forest Retention Areas. This sounds like a reward for property owners who have neglected their land by allowing invasives to take over. That would not be appropriate.	Chpt 3	No edit proposed.
2860	Section 3.4.6 Coordination with Density Calculations. Just my humble opinion. but density exchange options never work out well for already overcrowded areas in the east.	Chpt 3	No edit proposed.
2836	Section 3.5.1 Priority Retention Areas. #3 is confusing. Suggestion: Specimen Trees. Trees, when measured at 45" above the ground, are either 75% or more of the diameter of the State Champion tree for that same species (A list of State Champion Trees is available on the DPZ website.) or trees 30" in diameter or larger.	Chpt 3	No edit proposed.
2880	Section 3.5.1 Priority Retention Areas. Note that for subdivisions in historic districts, these are empty words, since there is no requirement to follow the advice of the Historic Preservation Commission.	Chpt 3	No edit proposed.
2835	Section 3.5.1 Priority Retention Areas. add "or is a part of a multi-site historic district."	Chpt 3	Requires change to FCA.
2864	Section 3.5.1 Priority Retention Areas. I can't help noticing that 'sensitive areas' is used throughout but not Targeted Ecological Areas. I'm curious why that is the case??? If the state considers those lands 'the best of the best' for preservation, why aren't they a stated priority?	Chpt 3	No edit proposed.
2862	Section 3.5 Forest Retention Areas. What would be an example of an enforcement action? Who will enforce?	Chpt 3	No edit proposed; Manual provides requested information.
2863	Section 3.5.1 Priority Retention Areas. There have been Supreme Court cases indicating that as long as a land owner is able to use his land in some way it is not a 'taking'. Example: Although landowner wants to build 3 houses as long as he can build one it is not a taking.	Chpt 3	No edit proposed.
2797	Section 3.5.1 Priority Retention Areas. This section should explicitly specify the amount of area around the trees that must be left undistributed. (For example, 10 ft, or 6 inches for every 1 inch DBH, or the drip line.)	Chpt 3	No edit proposed; Manual provides requested information.
2834	Section 3.5.1 Priority Retention Areas. I agree with the above comment. They also need to be actively protected by some sort of structural barrier as well.	Chpt 3	No edit proposed; Manual provides requested information.

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2866	Section 3.5.1 Priority Retention Areas. IMHO, failure to recognize the significance of areas of steep slopes which are less than 20,000 sq ft (approaching half an acre) which can be significantly steeper than 25% puts the watershed in danger of significant run-off. I'm not sure this is the same as the State standard.	Chpt 3	Requires change in Subdivision Regulations.
2798	Section 3.5.1 Priority Retention Areas. This should clarify that artificial slopes are not required. (Artificial slopes are those created by past development activities.)	Chpt 3	No edit proposed; the Manual contains requested information.
2882	Section 3.5.2 Forest Retention Area Size. There needs to be a minimum requirement on the property being developed for this to be acceptable.	Chpt 3	No edit proposed.
2838	Section 3.5.2 Forest Retention Area Size. There needs to be a minimum amount of forested area required on the development side.	Chpt 3	No edit proposed.
2881	Section 3.5.2 Forest Retention Area Size. It is wildly inappropriate to give the developer credit for forest on neighboring properties. This is not acceptable.	Chpt 3	No edit proposed.
2837	Section 3.5.2 Forest Retention Area Size. add "with a minimum width of 35 ft on the development property."	Chpt 3	No edit proposed.
2868	Section 3.6 Reforestation and Afforestation Areas. I don't comprehend the reference to lots of 10 acres or more. Relevance?	Chpt 3	No edit proposed; Manual provides requested information.
2871	Section 3.6.1 Priority Reforestation and Afforestation Areas. Can I assume that unlike mitigation banks, planting on County owned GIN land is included? (Or in fact, is all GIN county owned?)	Chpt 3	No edit proposed; Manual provides requested information.
2803	Section 3.6.1 Priority Reforestation and Afforestation Areas. Compacted soils are often required to establish initial earthwork and stabilization. Over time the introduction of trees/forest will improve the infiltration of the compacted soil. To enhance our watershed goals of better infiltration, reforestation should not be discouraged in these constructed areas.	Chpt 3	No edit proposed.
2872	Section 3.6.1 Priority Reforestation and Afforestation Areas. This may seem like an odd question but I notice that in this document, like the one it will replace, the reference is always to 'streams.' Does that term also refer to rivers? This was always of concern for the Settlement at Savage.	Chpt 3	No edit proposed.



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2804	Section 3.6.1 Priority Reforestation and Afforestation Areas. Because homeowners have a tendency to want to manicure everything that isn't protected, forests should be encouraged in the open space areas of new developments. Manicuring should only be encouraged in specific entrance areas. Expanded manicuring contributes heavily to ongoing emissions and does not help to increase the infiltration capability of the soil over time.	Chpt 3	No edit proposed.
2840	Section 3.7.2 Coordination with BGE and PEPCO. Should you add whoever owns the gas right of ways. (Colonial Pipeline?)	Chpt 3	No edit proposed.
2874	Section 3.6.1 Priority Reforestation and Afforestation Areas. Isolated forest stands, especially those that are the result of development, are more subject to wind damage, etc. Infill here is a great idea.	Chpt 3	No edit proposed; the Manual contains requested information.
2802	Section 3.6.1 Priority Reforestation and Afforestation Areas. Areas within Utility Rights-of-Way or Utility Easements where vegetation may be cut or subject to herbicide application for purposes of maintenance of the Utility shall not be included in areas of forest conservation for area calculations.  Specific example to be avoided is SE corner of Marriottsville Road and Rt 99, where Forest Conserv area overlaps with BGE easement. BGE regularly trims all vegetation to maximum 5' height. What type of forest is conserved there?	Chpt 3	No edit proposed; Manual provides requested information.
2839	likewise gas pipeline easements can't have tall vegetative growth.	Chpt 3	No edit proposed; Manual provides requested information.
2876	Section 3.7.4 Coordination with Site Design. Does the department have any data on the amount of acreage remaining for infill development? These in-fill small subdivisions are extremely unpopular to existing residents because they often clear a wooded site and have little or no treed buffers between old and new. Completely exempting them is so undesirable.	Chpt 3	No edit proposed.
2883	Section 3.7.4 Coordination with Site Design. Clustering and reducing lot sizes is not appropriate in historic districts. New homes in historic districts should have the character of existing homes in terms of siting and lot size to preserve the overall integrity of the district. It would be more appropriate to allow distributing homes throughout the forested area in this situation.	Chpt 3	Requires change in Subdivision Regulations.
2885	Section 3.7.4 Coordination with Site Design. What is the required separation of the rows? What is the required separation between a row and the property line?	Chpt 3	No edit proposed.

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2887	Section 3.7.4 Coordination with Site Design. Set back how much?	Chpt 3	No edit proposed.
2884	Section 3.7.4 Coordination with Site Design. This is another case where a new development should not be given credit for a forest on a neighboring property. Not appropriate. This is basically saying to the developer "You don't have to conserve forest on your property because your neighbor has a forest." So wrong.	Chpt 3	No edit proposed.
2903	Section 3.8.3 Natural Regeneration. Agree, but note that enforcement is difficult if on site inspections are spotty.	Chpt 3	No edit proposed.
2888	Section 3.8.4 Selective Clearing and Supplemental Planting. It is not appropriate to reward landowners who have neglected their property and allowed invasives to take over.	Chpt 3	No edit proposed.
2889	Section 3.8.4 Selective Clearing and Supplemental Planting. It would be more appropriate to disallow grade changes in this scenario.	Chpt 3	No edit proposed; Manual provides requested information.
2904	Section 3.8.4 Selective Clearing and Supplemental Planting. ...and are subject to approval or denial based on justification.	Chpt 3	No edit proposed; Manual provides requested information.
2890	Section 3.8.4 Selective Clearing and Supplemental Planting. I would remove the height limit for snags and just say as long as there are no safety hazards.	Chpt 3	Edit made to address comment.
2905	Section 3.9.1 Site Assessment. Glad to see this included!	Chpt 3	No edit proposed; the Manual contains requested information.
2831	3.9.3 Plant Material Size, Density and Arrangement. 1" and 2" trees don't typically have deer survival issues. Drought conditions are a bigger problem. This concept seems to run contrary to wanting to use large stock trees in highly visible areas for good aesthetics.	Chpt 3	No edit proposed.
2808	3.9.3 Plant Material Size, Density and Arrangement. Tree shelters on 1" and 2" nursery stock is overkill and would be very difficult to install in most cases. This section should be rewritten to exclude the 1" and 2" caliper material.	Chpt 3	No edit proposed.
2906	Section 3.11 Fee-in-lieu Requests. I may not be understanding the reasoning here. Aren't trees precious and few in the priority building area relative to outside. Shouldn't the 20% additional therefore be applied to areas inside the priority building area?	Chpt 3	Requires change to FCA.

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2799	Section 3.11 Fee-in-lieu Requests. Under what circumstances ever would off-site retention anywhere in the county be impossible? There should never be a need for fee-in-lieu because mitigation banking will always make offsite retention possible.	Chpt 3	Edit made to address comment.
2800	Section 3.11 Fee-in-lieu Requests. What size?	Chpt 3	No edit proposed.
2886	Section 3.11 Fee-in-lieu Requests. Do you foresee that the Conservation Fund could grow at a rate to purchase development rights on TEA parcels?	Chpt 3	No edit proposed.
2891	Section 3.11 Fee-in-lieu Requests. need to define exceptional	Chpt 3	Edit made to address comment.
2801	Section 3.11 Fee-in-lieu Requests. How could a small size ever make it unreasonable to implement? If the county is committed to forest conservation, then even planting one tree should be required and it would not be unreasonable to do so.	Chpt 3	No edit proposed.
	Section 3.3.1 Thresholds and Land Use. Preservation parcels are highly inconsistent with "Residential-Suburban (Residential lot average less (sic?) than 1 acre)". See pdf page 27 FCM. The Rockburn Land Trust average parcel approximates 6 acres. Preservation parcels are a better fit with the Residential Rural Medium Density. <i>(Also created a new worksheet for preservation parcels.)</i>	Chpt 3	No edit proposed; Manual contains requested information.
	"Size of stock seedlings or whips will only be permitted for the creation of mitigation banks, on steep slope planting areas or in other locations <i>as approved by the Department of Planning and Zoning.</i> " This is ambiguous and doesn't seem to agree with new county legislation. The intent of the law was to require plantings of sufficient size to improve survival rates. This ambiguity creates a rather large hole in the intent. Similarly, in section 3.11. these terms are undefined: "exceptional circumstances", "small size", also creating ambiguity. Align Manual language with County FC Law or better define.	Chpt 3	No edit proposed.
	Either section 3.1.3 or 3.11 or (preferably) both should include a discussion of the "unwarranted hardship" standard for waivers, tracking the language of County and State law regarding expense and inconvenience. Section 3.1.3 uses the phrase "alternative compliance" to refer to waivers, language neither defined nor used in State or County law. Waivers are variances, and variances are exceptions to compliance, not a form of compliance per se. 'Alternative compliance' should be eliminated from the Manual.	Chpt 3	Edit made to address comment.

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	<p>We would argue that the words 'in-lieu' indicate that such fees are, like waivers, exception to it, which is to say a de facto variance that should be subject to the 'unwarranted hardship' standard required under State and County law, not the obviously weak and subjective 'unreasonable to accomplish' standard. The Manual's fee-in-lieu request form (Appendix F) abets this perception, as it is structured with a scant four lines for the applicant to "demonstrate that compliance with forest conservation requirements onsite or offsite cannot be reasonably accomplished"- essentially signaling that the standard can be met in a cursory way. Unlike the "unwarranted hardship" standard, the "unreasonable-to-accomplish" standard does not explicitly exclude added expense or inconvenience to the applicant, which makes it little standard at all other than required adherence to a fee schedule. Manual section 3.11, dealing with fee-in-lieu request procedures, notes that applications for fees-in-lieu are appropriate only "when extraordinary circumstances dictate," and it restricts the "unreasonable-to-accomplish" standard to the (problematically undefined) "small size" of a certain forest conservation obligation. This language should therefore be foregrounded in both section 3.1.3 as well as on the request form itself.</p>	Chpt 3	Requires change to FCA.
2907	Section 4.0 will fines be sufficiently "stiff" so failure to comply is painful or will many opt to pay fines rather than adhere?	Chpt 4	No edit proposed; Manual provides requested information.
2829	The Department really needs to be clear and precise on what activities are permitted and what activities are NOT permitted in a forest easement. Please expand this section to include such information so that the developer/easement owner will know what's allowed and what's not.	Chpt 4	No edit proposed; the Manual contains requested information.
2909	Section 4.1.4 Construction Period Inspection. What are the qualifications of the designee?	Chpt 4	No edit proposed.
2841	Section 4.1.3 SEC for Planting. all? What if the forest conservation easement is on the uphill portion of the property and is contiguous to forest on the adjacent property. Do you want machinery going through that forest and installing a silt fence?	Chpt 4	Edit made to address comment.
2908	Section 4.1 Construction Period General Practices. BINGO! And once the damage is done, it is generally irreparable.	Chpt 4	No edit proposed.
2892	Section 4.1.2 Protection Devices. Permanent fencing is not appropriate in the Lawyers Hill Historic District, according to the design guidelines for the district.	Chpt 4	No edit proposed; the Manual contains requested information.

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2894	Section 4.2.1 Critical Root Zone. Also needs to apply to historic and specimen trees on neighboring properties.	Chpt 4	Requires change to FCA.
2806	Section 4.2.1 Critical Root Zone. It has been proven that the Critical Root Zone is different between isolated specimen trees and specimen trees within a forested area. This should be clarified. We agree that the CRZ should be 1.5' to 1" dbh for isolated trees. For specimen trees within a forest, 1.0' to 1" dbh should be the standard. We propose a change in the description to specify the differences of each specific situation and the requirements of each.	Chpt 4	No edit proposed.
2805	Section 4.2.1 Critical Root Zone. Keeping the LOD a minimum of 15' from the edge of Forest Conservation Easements is impractical from an engineering perspective and creates an undue hardship on projects. Trees within the forest are not linear. Some are closer to the easement edge and some are farther away. The intent is that the long term protection of the area is counted for the entire area. Retention should be counted at the edge of the LOD. This has been the standard statewide and is effective in protection of ex. forest.	Chpt 4	No edit proposed.
2893	Section 4.2.1 Critical Root Zone. This should also include from Forest Conservation Easements on neighboring parcels.	Chpt 4	Requires change to FCA.
2895	Section 4.2.4 Prohibited and Permitted Activities in Forest Retention Areas. This might be appropriate to incorporate into the site design requirements as well.	Chpt 4	No edit proposed; the Manual contains requested information.
2817	Section 4.2.4 Prohibited and Permitted Activities in Forest Retention Areas. Selective thinning and pruning when necessary, but this maintenance needs to recognize the wildlife value of dead and dying standing trees in healthy forest communities.	Chpt 4	No edit proposed; the Manual contains requested information.
2821	Section 4.2.4 Prohibited and Permitted Activities in Forest Retention Areas. This guidance about chemical control of insects, weeds, and invasive plants needs more clarification. Some chemicals, such as neurotoxic insecticide Chlorpyrifos should be prohibited (EPA ban may be re-instated soon anyway), as well as highly drift-prone Dicamba, water-contaminating herbicide Atrazine, and pollinator-toxic neonicotinoids. Please include requirements to comply with latest Howard County pesticide policy and work with Pollinator City experts to assure wildlife-protective practices.	Chpt 4	Edit made to address comment.

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2819	Section 4.2.4 Prohibited and Permitted Activities in Forest Retention Areas. This allowance for "forest thinning or tree removal" is too vague. Best forestry practices can be used to justify clear cutting on economic grounds. Please narrow down the reasons why thinning or selective removal can occur, emphasizing the priority of the healthy native forest community including wildlife habitat maintenance, not economics or aesthetics such as improving "views."	Chpt 4	Edit made to address comment.
2818	4.2.4 Prohibited and Permitted Activities in Forest Retention Areas. supplemental locally native plant material (not just North American species but species native to Howard County are most supportive to native wildlife and resilient to local pests and environmental conditions).	Chpt 4	Edit made to address comment.
2820	Section 4.2.4 Prohibited and Permitted Activities in Forest Retention Areas. Is it possible to allow for narrower path requirements in ecologically sensitive areas (e.g., wetlands) and to limit mowed areas alongside pathways? In my Columbia neighborhood, pathway widening, plush expanded mowed borders, has reduced many formerly wooded paths to path bordered by stiltgrass, and a single line of scattered trees, almost completely without value to forest wildlife.	Chpt 4	Edit made to address comment.
2822	Section 4.2.4 Prohibited and Permitted Activities in Forest Retention Areas. Specifying methods for plant removal, or at least limiting particularly toxic herbicides would benefit both developers and the health of forest communities. Careless, aggressive herbicide applications intended to reduce invasive vines could undermine other reforestation efforts and cost more money in the long run.	Chpt 4	Edit made to address comment.
2823	Section 4.3 Planting Procedures. plant species selection is also critical. Native species need to be selected that are tolerant of local pests and weather conditions, and also offer expectations of being resilient to changing conditions as the climate warms. Planting for today's conditions only in a rapidly warming environment will waste money and lead to slow-growing, disease-prone, and drought-intolerant woods that fail to live up to the goals of the forest conservation act.	Chpt 4	No edit proposed; the Manual contains requested information.

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2824	Section 4.3.2 Controlling Invasive Exotic Plants. It's good that the differences between "exotic" and non-native plants is made in the document, but introducing the importance of native plants in the first paragraph would make clear that native forest communities are the goal, not just any set of woody plants, which might include callery pears, silver maples, and other species of very little value to wildlife in the forest community.	Chpt 4	Edit made to address comment.
2896	Section 4.5.4 Education of New Occupants. Explanation that the forest on the neighboring property is private property, and not public park land.	Chpt 4	No edit proposed.
2897	Section 5.4.1 Program Administrator. DPZ should not be authorized to determine applicability or exemption. That should be in the code, not at the discretion of DPZ.	Chpt 5	No edit proposed.
2828	Section 5.7.6 Grading/Building Permit on Single Residential Lot. This is too wordy; too confusing. Can this be broken up into sections or enumerated? Please review this section to determine if it can be refreshed so that a resident/developer can make better sense of it.	Chpt 5	Edit made to address comment.
	Sections 5.9 and 5.10. Inspection, enforcement, and non-compliance penalties in this now extensive and complex array of incentives and penalties will be administratively difficult to implement. We suggest DPZ develop a table listing the infraction or non-compliance and provide a range of incentives and penalties associated with infractions and non-compliance . This explicit listing will support DPZ staff in both simple and complex cases.	Chpt 5	No edit proposed.
	There appears to be an almost complete omission of a procedure to manage applications for alternative compliance. If an applicant is requesting an alternative compliance (is this a variance) there needs to be a place and process where it is accepted or denied. It needs to be noted when it is to be requested, who manages the request, what criteria will regulate them and that the decision should be made before the plan goes before the Planning Board (for those plans that require it).	Chpt 5	Edit made to address comment.
	The draft FCM is silent on the definition and requirements and procedures to necessary to determine Unwarranted Hardship.	Chpt 5	Edit made to address comment.
	We encourage DPZ transparency identifying and making public: parcels, owners, builders, licensed landscape architects, and certified arborists developing the parcel and digitized correspondence related to the project .	Chpt 5	No edit proposed.

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	<p>If an applicant is requesting an alternative compliance, there needs to be a place in the process (and definitely inserted in Figure 5-A Program Administration Responsibilities) where it is either accepted or denied (not deferred). It needs to be noted when it is to be requested, who will deal with the request, what criteria will regulate them and that the decision should be made before the plan goes before the Planning Board (for those plans that require it). And the Planning Board Hearing needs to be added to the process as well for plans that require that hearing.</p>	Chpt 5	Edit made to address comment.
	<p>The term 'unwarranted hardship' needs to be defined and placed in this document. The document also needs to list the requirements for an applicant seeking a variance.</p>	Chpt 5	Edit made to address comment.
	<p>I would also suggest that if the term alternative compliance is to be used by Howard Co, then there needs to be some documentation that Ho Co's use of the term alternative compliance is the same as the state's use of variance. I think that that would end a lot of confusion by the public.</p>	Chpt 5	Edit made to address comment.
	<p>Language between State Law (5-1607), County Law and the manual should be consistent or better clarified in the glossary of terms. The County FC Law does not use the word "Alternative Compliance" yet the Manual uses it. The County FC Law uses the word "variance." Is the County's variance the same as the state's wavier? In Section 3.1.3 and 5.15 the term Alternative Compliance should be removed from the manual since it is not part of the local or state code.</p>	Chpt 5	Edit made to address comment.
	<p>Remove non-conforming interpretation from the Manual and amend the County FC law to remove historic site and historic structure definitions and instead use the County and State Forest Conservation Code language, [Trees that are part of a historic site or associated with a historic structure...] and make this consistent throughout the Manual. If definitions for these terms need to be added, use the NPS Historic Code which is the basis for Federal, State and County historic definitions or align with state code to better conform with the state law.</p>	Chpt 5	Requires change to FCA.
	<p>County FC Law seems to apply that higher standard for priority forests to all FC variances in 16.1216, yet the Manual does make a distinction. Align the Manual language to conform to the law or amend the law to draw a distinction between variances for all FC and the unwarranted hardship variances for priority forests.</p>	Chpt 5	Edit made to address comment.



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	Although the County FC Law does not speak to the HPC process, the Manual includes it, but does not compel or require the applicant to provide information requested by the HPC in order to make a determination. Amend current practice to suspend the waiver/variance/ FC approval process until applicants are compliant with HPC requests for information.	Chpt 5	Requires change to FCA.
	The process and timeline of requesting an alternative compliance/waiver from the county should be articulated in the manual and include each step of the approval and denial process including state review.	Chpt 5	Edit made to address comment.
	Reconcile language differences between 'waiver' and 'variance.'	Chpt 5	Edit made to address comment.
	Amend County FC Law Appeals section to align with State laws on Standing	Chpt 5	Requires change to FCA.

Notes: Comments without a Comment ID were received via letter or email, rather than through the online public comment portal.