

Smarter Growth Alliance for Howard County

July 21, 2021

The Honorable Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: CB56-2021: AN ACT adding new definitions to the Forest Conservation ordinance; establishing a “look-back” provision for the disturbance of certain trees; reducing the diameter threshold to 24 inches for forest retention; and generally relating to forest conservation in the County.

Dear Council Members:

The Smarter Growth Alliance for Howard County, (SGAHC) is an alliance of local and state organizations working together to foster healthy, equitable, and sustainable communities through smarter development and transportation decisions and improved protections for the county’s natural, historic and cultural resources.

We strongly support the CB 56-2021 to add new definitions, and strengthen protections for forest retention by reducing the minimum criteria of 30 inches to trees 24 inches in diameter, and additionally to establish a 5-year “look-back” period to prevent the clearing of trees before the project officially starts and subsequently activates the Forest Conservation ordinance.

In 2019 the County Council passed into law a revision of the Forest Conservation Act for Howard County that brought about greater protection for our forests. This act offers more protection than the state law mandates. This increased stringency is commendable; however, it is not adequate assurance against continued forest loss, and may not lead to our goal of zero net forest loss. Recently Deb Jung introduced CB42 to examine the data regarding how well our Forest Conservation ordinance is working. This bill passed, however, we have a long wait for the results, and there is an urgency right now. We want to thank Liz Walsh for introducing CB56 right now to address the weakness in the Forest Conservation ordinance that we know of now and can address now without waiting for the report to come.

*Audubon MD-DC • Audubon Society of Central Maryland • Bicycling Advocates of Howard County
Chesapeake Bay Foundation • Clean Water Action • Coalition for Smarter Growth • Community Ecology Institute
Earth Forum of Howard County • HARP • Howard County Citizens Association
Howard County Conservancy • Howard County Sierra Club • Maryland Conservation Council
Maryland League of Conservation Voters • Maryland Ornithological Society • Patapsco Heritage Greenway
Preservation Howard County • Preservation Maryland • Safe Skies Maryland • Savage Community Association • The People’s Voice
• Transition Howard County*

We rely on the Forest Conservation Act to preserve our forests; it is our strongest tool. However, the regulations in the Forest Conservation Act are only activated once the developer has submitted a site-specific forest conservation plan as part of entering into the development or subdivision process with the (Department of Planning and Zoning) DPZ. Developers and landowners make plans years in advance and may start to clear parts or all of their lands in preparation for the development. And, if they do early enough in the process, they can avoid the stipulations of the Forest Conservation ordinance that would require them to retain forest, protect specimen trees, and/or reforest on or off-site. With the addition of a 5-year “look-back” rule, DPZ would review the property for any tree removal or land disturbance that occurred in the 5 years before the application of the plan to develop. If such disturbances were found, this bill would mandate that the disturbed areas be considered forested areas in the site-specific forest conservation plan, and protected as such according to the County’s Forest Conservation ordinance. Implementation of this “look-back” provision now could start saving the existing forest and assuring forest obligations are calculated based on the earlier condition of the property. Howard County urgently needs you to pass this part of the bill.

In Section 16.1205 - Forest retention priorities, there are a few changes proposed that would strengthen protections for individual trees. This bill suggests adding or clarifying certain criteria that would qualify a tree for on-site retention. First, in part 2 the bill adds wording that could make trees on historical sites be considered to be historical structures themselves. Second, the definition of tree that is to be retained is defined as a tree that is 75% or more in diameter of a state champion tree. This bill further clarifies that definition to be 75% of a state champion tree of that same species. Additionally, in this section, the overall measurement of 30 inches to qualify for retention is reduced to 24 inches. This is another way that younger trees can be protected in the site plan. It is important to note, that while younger, a 24-inch diameter tree is still a mature and ecologically valuable tree that is worthy of protection.

This law would also expand the areas designated as on-site forest retention priorities to include the newly defined area of the Green Cultural Trail and Targeted Ecological Areas (TEAs). The Green Cultural Trail as defined in the Ellicott City Watershed Master Plan is important to add here and to protect within the Forest Conservation ordinance. TEAs are defined and mapped by the Maryland Department of Natural Resources (DNR) and equally important to afford the highest protection. This bill adds protection to trees within cemeteries and historical areas as well, even further reducing the size that a tree must qualify to 12 inches in diameter or larger.

At each point in time when it can be observed that there is a loophole, limitation, or some way in which the Forest Conservation ordinance fails to protect our forest, we must act. This is such a time and this bill will strengthen the act. We must act now because the longer we wait the more we lose and with each passing month, those losses are becoming unsustainable and irreplaceable.

We ask that you pass this bill intact with the strong protections that we need to save forests from here out into the future. Forest retention is our single greatest tool in preventing climate change, preserving biodiversity, and controlling flooding. We CANNOT wait to take strong and strategic steps.

Sincerely,

Audubon Society of Central Maryland
Julie Dunlap
Education Chair

Maryland Ornithological Society
Kurt Schwarz
Conservation Chair

Clean Water Action
Emily Ranson
Maryland State Director

Patapsco Heritage Greenway
Steve Wachs
President

Howard County Sierra Club
Carolyn Parsa
Chair

Preservation Maryland
Ruby Nwaebube
Advocacy Associate

Howard County Bird Club
Mary Maxey
President

Safe Skies Maryland
Mark Southerland
Legislative Director

Howard County Citizens Association
Stu Kohn
President

Savage Community Association
Susan Garber
Board Chair

Maryland Conservation Council
Paulette Hammond
President

The People's Voice
Lisa M. Markovitz
President

Maryland League of Conservation Voters
Ben Alexandro
Water Program Director

Transition Howard County
Mary Ann Barry
Member

cc: The Honorable Calvin Ball, County Executive



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, STEPHEN MCKENNA, have been duly authorized by
(name of individual)

PRESERVATION HOWARD COUNTY to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB56-2021, CB57-2021 to express the organization's
(bill or resolution number)

Support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: STEPHEN MCKENNA

Signature: [Handwritten Signature]

Date: 7/20/2021

Organization: Preservation Howard County

Organization Address: Po Box 406, Simpsonville MD 21150

Number of Members: _____

Name of Chair/President: Dr. Tara Simpson

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Sayers, Margery

From: Hans and Marie Raven <hansandmarie.raven@verizon.net>
Sent: Tuesday, July 20, 2021 5:34 PM
To: Rigby, Christiana
Cc: CouncilMail
Subject: support for CB 56 & 57

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Councilmember Rigby (and fellow councilmembers),

I am a constituent in your district writing to support council bills 56 and 57, introduced by Council Chair Liz Walsh. It is overdue that there be a definition of high conservation priority specimen trees. When my husband and I built our home on our wooded lot, we specifically oriented our house and designed our footprint around saving as many large specimen trees as we could to keep the characteristic nature of our wooded lot which abuts the Savage Park trail system on the Little Patuxent River. We know it can be challenging, but it can be done, and is justified. I am especially pleased to see that a 5 year look back is a part of CB56. Different varieties of trees grow at different rates, and this look back provision is vital for capturing and protecting those slower growing trees which cannot be as easily replaced. Just as important as the definition and time frame expressed in CB 56 is the enforcement and range of penalties available to DPZ as outlined in CB57 for those who repeatedly and/or willfully remove specimen trees and otherwise violate forest conservation laws. Therefore I whole heartedly support these two bills.

There are a myriad of environmental reasons why this legislation makes sense, but I would like to highlight a different reason brought to my attention by an article in today's Washington Post by Alex Brown entitled, "In low income urban areas roasted by climate change, a cool idea takes root." This article highlights the importance of the tree canopy in urban areas. According to the article, American Forests, a Washington DC-based conservation nonprofit, low-income neighborhoods and communities of color have significantly less tree canopy. "Those areas are more likely to suffer from the urban heat island effect caused by a lack of shade and an abundance of heat absorbing asphalt" leading to temperatures up to 10 degrees hotter than surrounding neighborhoods with tree canopies present. In fact the group found that the wealthiest neighborhoods have 65% more tree canopy coverage than the highest poverty neighborhoods.

We have the opportunity with legislation such as this to reverse the effects of racist policies such as redlining and declining urban green space, which are important for public health. Trees are nature's air conditioners. As we hear about the extreme heat those living out west are experiencing, it's important that we provide equal access throughout our county to the large trees which can actually help save lives, not just look beautiful. I challenge Howard County to be as proactive as the city of Boston in creating an urban forest plan to lead to tree equity across our county. Councilmember Rigby, I would hope given your pursuit of diversity, equity, and inclusion measures in the county you would be in full support of this idea and these two bills to get the process started.

Sincerely,
Marie Raven

Hans and Marie Raven
Laurel, MD
301-317-8010 (home)

Sayers, Margery

From: Kimberlee Drake <kimdrakeenv@gmail.com>
Sent: Tuesday, July 20, 2021 3:45 PM
To: Sayers, Margery
Subject: Re: Affidavit to Speak

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Sure.
Thanks,
Kim

HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, _____ Kim Drake _____, have been
duly authorized by (name of individual)

Smarter Growth Alliance of Howard County _____ to deliver
testimony to the (name of nonprofit organization or government board,
commission, or task force)

County Council regarding _____ CB56 & CB57 _____ to express the
organization's (bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: _____ Kim Drake _____

Signature: _____ Kimberlee Drake _____ Date: _____

_____ 7.21.21 _____

Organization: Smarter Growth Alliance of Howard County _____

Sayers, Margery

From: Ruby Nwaebube <RNwaebube@presmd.org>
Sent: Tuesday, July 20, 2021 1:20 PM
To: Walsh, Elizabeth; Jung, Deb; Jones, Opel; Rigby, Christiana; Yungmann, David; Sidh, Sameer; Ball, Calvin; CouncilMail
Cc: Carolyn Parsa (carolyn.parsa@msierra.org); Susan Garber (buzysusan23@yahoo.com); LISA MARKOVITZ (lmarkovitz@comcast.net)
Subject: SGAHC Support for CB56 & CB57
Attachments: SGAHC CB56-2021 Ltr of Support.pdf; SGAHC CB57-2021 Ltr of Support.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hello Honorable Howard County Council,

I hope this email finds you well. My name is Ruby Nwaebube, and I am the Advocacy Associate for Preservation Maryland. On behalf of the Smarter Growth Alliance of Howard County (SGAHC), we would like to submit written testimony to support CB56 & CB57. Below this email, I have attached the two letters for your review.

Thank you,
Ruby

Ruby Nwaebube
Advocacy Associate
PRESERVATION MARYLAND
3600 Clipper Mill Road, Suite 248
Baltimore, Maryland 21211
rnwaebube@presmd.org
presmd.org



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Dan Hajdo, have been duly authorized by
(name of individual)

Howard County Indivisible, Economic Equity Team to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding **CB-56** to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Dan Hajdo

Signature: _____

Date: 07/20/2021

Organization: Howard County Indivisible

Organization Address: P.O. Box 603, Savage MD, 20763

P.O. Box 603, Savage MD, 20763

Number of Members: 700

Name of Chair/President: Elizabeth Kate

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Sayers, Margery

From: Burnet Chalmers <burnetchalmers@outlook.com>
Sent: Wednesday, July 21, 2021 1:42 PM
To: CouncilMail
Subject: Please Support CB 56 & CB 57

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please support CB 56 & CV 57.

Respectfully,
Burnet Chalmers
6560 Belmont Woods Road
Elkridge, MD 21075
410-591-2519
burnetchalmers@outlook.com

Sent from my iPhone

Sayers, Margery

From: Jung, Deb
Sent: Monday, July 19, 2021 4:53 PM
To: Sayers, Margery
Subject: FW: Support for CB 56 and 57

-----Original Message-----

From: Julia Hawrylo <oychoolie@yahoo.com>
Sent: Monday, July 19, 2021 2:37 PM
To: Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>; Ball, Calvin <cball@howardcountymd.gov>
Cc: Royalty, Wendy <wroyalty@howardcountymd.gov>; Baker, Kevin <kebaker@howardcountymd.gov>; Harris, Michael <mrharris@howardcountymd.gov>; Gelwicks, Colette <cgelwicks@howardcountymd.gov>; Williams, China <ccwilliams@howardcountymd.gov>; Knight, Karen <kknight@howardcountymd.gov>
Subject: Support for CB 56 and 57

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council Members and Dr. Ball,

I am writing to express my support for CB56 and CB57. These intelligent pieces of legislation would be excellent models for many counties around Maryland.

It is painfully obvious that climate change is upon us, and trees play an extremely important role by mitigating the effects of carbon dioxide and producing oxygen, as well as reducing surface and air temperatures. Larger trees do a better job at this than smaller trees and CB56 provides protection for specimen trees across a variety of species, both native and naturalized. Ensuring their protection provides an anchor for Howard County's reforestation goals.

CB57 demands that developers actually adhere to the requirements of our County's forest conservation laws; if they don't, the penalties are clear and implemented. To many citizens in Howard County, it seems that developers just go ahead and do what they want and ask for forgiveness later, assured that a waiver will be given or, at worst, there will be a negligible fine. For decades there has been little done to discourage this behavior and it's time that everyone followed the rules.

Conserving our remaining trees and making sure that necessary development is done carefully and legally is the right thing to do. Passing CB56 and CB57 is the right thing to do.

Thank you,
Julia Hawrylo
Ellicott City Historic District

Sent from my iPad

Sayers, Margery

From: Kaitlyn Stewart <kaitlynrosestewart@gmail.com>
Sent: Monday, July 19, 2021 5:40 PM
To: CouncilMail
Subject: CB56 and CB57 - in favor

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Good afternoon,

I am writing to express my strong support for CB56 and CB57 to protect our trees, parks, and general environment.

Anything that strengthens protections for any trees is a win in my book. These two bills appear to do just that.

Anything that prioritizes developers' profits over the health of our parks and trees is a great loss and a great detriment to Howard County. A vote against these two bills is an attack on our county.

Please vote in favor of CB56 and CB57

Thank you,
Kaitlyn Stewart
9059 Baltimore street, Savage, Howard County, MD 20763

Sayers, Margery

From: Robin Vestal <robinvestal@yahoo.com>
Sent: Monday, July 19, 2021 8:24 PM
To: CouncilMail
Subject: Woods in Savage MD

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Please act to preserve the woods in Savage MD. Especially while we are seeing the acute effects of global warming across the country it's crucial that we do our part to protect out part of the world. As we know trees help preserve our environment and should not be removed.

Robin Vestal
8420 Savage Guilford Rd
Savage, MD
20763

Sayers, Margery

From: cookapie@aol.com
Sent: Monday, July 19, 2021 9:07 PM
To: CouncilMail
Subject: Old Ttreea

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

By all means please save the trees, old or getting old. With climate change a real event, we need to do everything we can to keep our trees tall or short to filter the air we breathe.. Mr.Rouse was a great believer in planting and keeping trees from being taken down as he developed Columbia. We in Savage have the Savage Park and trails that provide shaded paths. My neighbor has a 90 year old Maple that provides shade for two homes. Your vote on this issue may mean we will continue to have our trees to shade our yards for years to come. Priscilla Pitts 9103 Jefferson St.

Sayers, Margery

From: Kimberlee Robertella <kimberlee_robertella@yahoo.com>
Sent: Monday, July 19, 2021 9:43 PM
To: CouncilMail
Cc: Tim Glinka; Jacinta Felice
Subject: Support for CB56, CB57

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council Members:

I support the bills introduced by Council Chair Liz Walsh on July 6, 2021, and I hope you will too. As you know, CB56 defines highest-conservation-priority "specimen" trees while CB57 clarifies and enhances the effectiveness of the Department of Planning and Zoning to deter willful or repeated non-compliance of forest conservation law.

Planting and protecting trees may be the single most important "ecotechnology" we have to ensure a healthy and vibrant Howard County. Champion trees in particular are crucial to holding fragmented ecosystems together. Lest we forget, 'trees are responsible for half the photosynthesis on land, help create rain, render mercury, nitrates, and other toxic wastes in the soil harmless, gather and neutralize sulfur dioxide, ozone, carbon dioxide, and other harmful pollutants in their tissue, sustain all manner of life, act as the planet's heat shield slowing the evaporation of water and cooling the earth.'** When we lose champion trees, we put all surrounding forested land at risk, thereby jeopardizing ourselves.

I hope you will strongly consider these points and get behind the logic of CB56 and CB57.

Thank you,

Kim Robertella Glinka

** *abridged from commentary by science journalist Jim Robbins*



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Susan Garber, have been duly authorized by
(name of individual)

the Savage Community Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB5702021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Susan Garber

Signature: _____

Date: 7/21/2021

Organization: Savage Community Association

Organization Address: P.O. Box 222 Savage 20763

P.O. Box 222 Savage 20763

Number of Members: 550

Name of Chair/President: Susan Garber

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Susan Garber, have been duly authorized by
(name of individual)

the Howard County Citizens Association, HCCA
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB56-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Susan Garber

Signature: _____

Date: July 21, 2021

Organization: the Howard County Citizens Association, HCCA

Organization Address: P.O. Box 89 Ellicott City, MD

P.O. Box 89 Ellicott City, MD

Number of Members: 500

Name of Chair/President: Stu Kohn

*This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Susan Garber, have been duly authorized by
(name of individual)

The People's Voice, LLC to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 56-2021 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Susan Garber

Signature: _____

Date: 7/21/21

Organization: The People's Voice

Organization Address: 3205B Corporate Ct. Ellicott City 21042

3205B Corporate Ct. Ellicott City 21042

Number of Members: 4000+

Name of Chair/President: Lisa Markovitz

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.