

Amendment 109 to Council Bill No. 28 -2023

BY: Liz Walsh

**Legislative Day 11
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Amendment No. 109

(This Amendment makes the following changes to HoCo by Design Chapter 3 and Chapter 11 to:

Chapter 3: Ecological Health - *Adds a statement about deer management in residential and recreational areas to the seventh Implementing Action to EH-7 Policy Statement; and*

Chapter 11: Implementation - *Adds a statement about deer management in residential and recreational areas to the seventh Implementing Action to EH-7 Policy Statement.)*

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3 In the *HoCo By Design* General Plan, attached to this Act as Exhibit A, amend the following
4 pages as indicated in this Amendment:

5 • Chapter 3: Ecological Health: page 42.

6 • Chapter 11: Implementation: page 20.

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8 Correct all page numbers, numbering, and formatting within this Act to accommodate this
9 amendment.

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Forest Conservation Act

Since 1993, Howard County's Forest Conservation Act (FCA) has mitigated forest loss caused by development. The FCA contains a series of incentives and penalties to encourage forest retention on development sites and includes reforestation requirements for forest that is cleared. Afforestation (planting of areas presently without forest cover) is also required on sites that don't meet minimum forest cover specifications.

The FCA does not require an equal area replacement for forest cleared, and forest cover continues to be lost to development in Howard County and throughout Maryland. The County updated the FCA in 2019 to enhance forest retention, including changes such as adding site design requirements for larger residential developments to meet 75% of their forest conservation obligation on site. The update increased mitigation requirements by increasing replanting ratios, especially if the replanting was done outside the watershed where the clearing occurred, and limiting use of the fee-in-lieu option for residential developments. The update also made changes to ensure more successful forest plantings, such as increasing the maintenance period for new plantings from two to three years. The County will monitor implementation of the updated FCA to measure its effectiveness and modify the regulations as needed to enhance forest retention and ensure forest plantings are successful.

Threats to Forest Health

The loss of forest species diversity and the degradation of forests by invasive exotic species are concerns for long-term forest health. Invasive exotic species are not native to the area where they live and are a significant problem because they can displace or kill native species. They lack the predators, competitors, diseases, or parasites that help control their populations in their native habitat. Invasive exotic species can include invertebrates such as the emerald ash borer, which kills ash trees, and plants such as Japanese honeysuckle and English ivy, which can smother trees.

Forest health is also damaged by an overpopulation of deer, which tend to prefer native species when browsing. When deer exceed the carrying capacity of a forest, they can eat most of the understory trees, shrubs, and herbaceous vegetation. Overgrazing of understory damages the ability of forests to regenerate, eliminates shrub and herbaceous species, and reduces bird species that nest within understory habitat. This damage can be compounded by impacts from invasive species, which can quickly cover the empty forest floor and inhibit the regrowth of native species. Invasive species often do not provide the same food, cover, and nesting benefits as native species do for native wildlife.

The Howard County Department of Recreation and Parks implements a comprehensive deer management program that is intended to maintain a stable, balanced deer population. Managing deer populations may also help reduce tick populations and tick-borne diseases such as Lyme disease. The program includes managed hunting on public lands to reduce deer numbers where necessary. Deer are quite adaptable and thrive in suburban environments, but hunting is not feasible in these areas, making it difficult to control their population on a countywide basis. Controlling deer-related impacts using a variety of management tools requires a cooperative effort between public agencies and landowners.

Climate change may exacerbate forest health issues caused by invasive exotic species and deer overpopulations. NOAA's Fourth National Climate Assessment notes that warmer winters in the northeast will likely expand the geographic range and population size of existing invasive exotic insect species, such as the emerald ash borer. There may also be a shift in native plant species to those that are better suited to a warmer climate, but if current species die off and new species are unable to become established, the forest may be unsustainable.

Increased forest management on public and private property can help address these threats to forest health and help forests transition to native species that are adaptable to a warmer climate and provide greater resilience to climate change. Federal and State programs are available to assist forest landowners with forest management. For example, the Maryland Department of Natural Resources will work with property owners to develop forest management or stewardship plans for a nominal fee.

EH-7 Policy Statement

Expand native tree canopy and forest cover in the County and manage forests to ensure long-term health and sustainability, addressing threats from invasive species, overpopulation of deer, and climate change.

Implementing Actions


1. Monitor implementation of the recently updated Forest Conservation Act and modify the Act as necessary to ensure adequate protection of forest resources.
2. Update countywide forest cover data on a regular basis to help assess changes in forest cover and manage forest resources over time.
3. Establish and achieve measurable goals for tree canopy, forest cover, and riparian forest buffers in all county watersheds.
4.  Prioritize economically-vulnerable communities for native tree plantings to mitigate heat island impacts.
5. Continue and expand forest management on county properties to ensure long-term health and sustainability of the forest.
6. Continue and expand outreach and technical assistance to private forest landowners for forest management to ensure the long-term health and sustainability of the forest.
7. Continue and expand implementation of the county Deer Management Program [and develop safe strategies for deer management in residential and recreational areas.](#)

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
EH-6 - Expand the use of watershed management plans to provide a comprehensive framework for protecting and restoring natural resources.		
1. Expand the scope of watershed management plans to set priorities and guide efforts to protect, restore, and improve the County's environmental resources.	DPW DPZ	Mid-Term
2. Continue to coordinate and cooperate with other local, regional, and state agencies and organizations on joint watershed planning and management for the Patuxent and the Patapsco Rivers.	DPZ DPW OCS HSCD HCHD	Ongoing
3. Ensure the Watershed Protection and Restoration Fund has adequate funding to meet National Pollutant Discharge Elimination System stormwater permit requirements and for proactive resource management.	DPW OCS Elected Officials OOB	Ongoing
4. Continue to pursue federal and state grant and cost-share opportunities to secure additional resources for restoration efforts. Apply jointly with community and environmental organizations and with neighboring jurisdictions, as appropriate.	DPW OCS DRP	Ongoing

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
EH-7 - Expand native tree canopy and forest cover in the County and manage forests to ensure long-term health and sustainability, addressing threats from invasive species, overpopulation of deer, and climate change.		
1. Monitor implementation of the recently updated Forest Conservation Act and modify the Act as necessary to ensure adequate protection of forest resources.	DPZ OCS DRP	Ongoing
2. Update countywide forest cover data on a regular basis to help assess changes in forest cover and manage forest resources over time.	OCS DPZ	Mid-Term
3. Establish and achieve measurable goals for tree canopy, forest cover, and riparian forest buffers in all county watersheds.	OCS DRP DPW DPZ	Mid-Term
4. Prioritize economically-vulnerable communities for native tree plantings to mitigate heat island impacts.	DRP DPW OCS DPZ	Ongoing
5. Continue and expand forest management on county properties to ensure long-term health and sustainability of the forest.	DRP	Ongoing
6. Continue and expand outreach and technical assistance to private forest landowners for forest management to ensure the long-term health and sustainability of the forest.	OCS DRP DPZ	Ongoing
7. Continue and expand implementation of the county Deer Management Program and develop safe strategies for deer management in residential and recreational areas.	DRP	Ongoing