

# CEQ MEETING MINUTES

Location: Jefferson Building

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Date: March 27, 2024

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Time: 7:00 pm

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## AGENDA DETAILS

### I. ATTENDANCE

Carol Newill, Linda Davis, Andy Miller, Brian Fath, Valerie Adroutsopoulos, Brian Bernstein, Lois Jacobs, Marina Goldgisser, Mahnaz Mazaheri, Dustin Shearer, Radu Zamfirache, Mike Ruby, John Alexander, Marsha McLaughlin, Mya Valiansky, Rachel Tsimmerman, Carrie Oberholzer, Leah Phillips

### II. NEW BUSINESS

7 - Welcome.

Reminder of rotation for serving as Greeter 6:45-7pm. Thank you Mahnaz for doing this today. The rotation is in the agenda of 2/28. It is also at the bottom of these minutes.

Welcome to Marina Goldgisser, newly appointed to CEQ from the Department of Planning.

7:10 - 7:30 - **Forest Conservation Act (FCA) Plantings – Maintenance Review.**

DEPS' Carrie Oberholtzer (Natural Resource Specialist III, with Master's from SUNY in Natural Resource Management), and Leah Phillips (Natural Resource Specialist, with Master's in Forestry from U of Maine) will speak.

Before the meeting please review **CEQ's Forest Conservation Report** recommendations of May 2022 at <https://www.baltimorecountymd.gov/boards-commissions/environmental-quality-commission>

In 11/21 the county council passed resolution 135-21 to provide findings on adequacy of maintenance periods for forest plantings created as mitigation measures. In accordance with FCA regulations. planting occurs after construction is completed which can take many years. All afforestation or reforestation must be completed within 1 year or 2

growing seasons.

Plantings are secured (?) at 110% of DEPS- approved cost estimate; can range from 100 2-in caliper per acre to 700 seedlings/acre. Three-year landowner maintenance agreement is required by Baltimore County (can be much more if unsuccessful). State requires a 2-yr maintenance agreement.

Minimum survival threshold is 75% of total planted trees at end of 3-yr period. After inspection is complete, no further maintenance is currently required. No maintenance requirement exists for the state.

Planting requirement goals:

Definition of a forest: 100 live trees per acre with at least 50% having 2-in or greater diameter at 4.5 ft above ground; 75% survival threshold for 3-yr maintenance period helps to ensure a reforestation becoming a forest. This usually takes about 10 yrs.

Variability in sites: site conditions, slope/aspect, soil types, deer/vole pressure, tree species, tree size, professional vs homeowner planting

Study:

Evaluated all reforestation and afforestation projects from 2012-2022; provide findings to assess adequacy of current maintenance requirements. EPS on-call contractor inspected 37 sites (123 acres).

Data collected at each planting site:

Percent survival, tree sizes, invasive species, site condition, and maintenance recommendations

72 approved FCA plantings over past 10 yrs; 37 planted, 35 never planted or recorded

17 (37 acres) of planted sites  $\geq$  75% survival

20 (86 acres) were  $<$  75% survival

Results:

Overall site condition rankings- will the planting meet the definition of a forest?

Poor – low tree survival with invasives present and maintenance required

Fair – maintenance recommended and may need supplemental planting

Good – minimal maintenance needed.

55% of planting were rated good, 30% fair; the other 15% were poor.

Maintenance recommendations:

End of season knock-down mows, remove beg around base of tree

Mechanical or chemical treatment of vines; shelter/stake replacement;  
shelter native volunteers

Q: 55% were rated good but < 50% had survival  $\geq$  75%?

A: Depends on which year you are looking at. Year 8 out of 10 you would expect tree survival to decrease somewhat, but this is still compatible with a forest being sustainable.

Q: Decision on 700 seedlings vs tree?

A: Reforestation manual gives options and property owner can decide on which strategy to choose. No one strategy is uniformly successful. Seedlings do get eaten by deer.

Continued presentation:

Delight Quarry Out Parcel site conditions: good (photo); 84% survival after 6 years.

Chapel Road 4434, site condition: fair. 280 trees planted, 40% survival, recommendations included taking down Bradford pear

Touchard Meadows: site condition poor, 5% survival. Not sure about whether this had bond released; for many of these plantings the county still has the security.

Q: Would it be useful to break down into strata by age of planting?

A: We tried to do that but it varies so much by site that this wasn't useful.

Discussion:

High variability between sites – site conditions, planting requirements, competition, animal pressure

More than half had <75% survival but 55% of plantings had good site conditions.

Examining the FCA planting plan approvals for last 10 yrs, may not have captured enough data.

Planting plans may be approved but not planted within 10 yrs due to ongoing construction, delayed or cancelled projects

This study will help with future plantings and to evaluate failed plantings

Maintenance is necessary for survival of planted trees.

Survival does decrease with age of planting

Due to site variability some may need more than the initial 3 yrs while others

may not.

Monitoring is imperative to determine if further maintenance is needed.

Moving forward:

Forest management section has a maintenance group, they oversee most DEPS tree plantings.

This group has begun to take over all FCA forest conservation plantings from initial inspection until end of contract, and projects still in progress. We are still holding securities on over half of the 37 sites; if needed we could take the security and do the planting ourselves

Have experience with reforestation maintenance

DEPS has a draft of the updated Baltimore County Forest Conservation Technical Manual.

Q: Do you have enough diversity of native trees?

A: This is in the plans

Q: Is DNR focused on maintenance?

A: We're just starting to take this over, so don't know what the experience has been in the past

Q: Have you coordinated with other surrounding counties or entities that do this?

A: Yes, we are involved with some groups, mostly in the county but including watershed groups that do planting

Other comments:

Montgomery County probably has helpful experience with tracking programs.

There was some discussion about desirability of planting in wetlands. That's not the goal but there are trees that survive better in wet spots and invasives are less likely to become established there too.

Did anyone ask for waiver of requirements after cicadas?

A: We had to address that in our own plantings. Don't know about private plantings.

Q: Does anybody continue maintenance beyond 3 years?

A: This is what CEQ made recommendations about. Also you can't remove shelters around trees at 3 yrs because deer will still destroy them.

Q: Are there bird exclusions?

A: The tubes come with bird nets although we don't require them. They can also be detrimental to the tree before it pops out of the tube.

Q: is FCA working?

A: Yes, overall.

Q: What needs to change?

A: Originally there were not enough employees to track maintenance; increased tracking is possible now with more employees. In the past a developer would pay a third party to do the inspection; now DEPS has capability to do their own inspections.

Q: Would you recommend a longer period of maintenance?

A: We favor it but if you extend it too long people might walk away. Fee in lieu is less expensive. Even so, the land is encumbered permanently.

Comment: look at how Montgomery County handles this.

Q: If homeowners leave forest trees where they are but most people don't know how big they can get. Is that kind of information available for homeowners?

A: There are people who are hired to do that as consultants. DNR could help with this as well.

Q: What are homeowner projects?

A: Homeowners inherit responsibility on their property from the developer.

Q: When a development plan comes in, where does it go?

A: EPS gets it; approval and review is done in the environmental impact review section. We are starting now, once approved and planted, that it will move into forest management for oversight of that three-year maintenance period. We have three people in the group doing this. Our other role is that we oversee plantings done with FEMA money.

At our next CEQ meeting, people from the environmental review section will be here to go over updates to the Forest Conservation Manual. The state is also working on updates to its own manual; we don't know what may or may not happen there. On state land the warranty period is 5 years.

The current manual is online.

Some counties like Washington County have so many trees that they have no reforestation requirements.

### III. OLD BUSINESS

7:45 - 8:00 - Update on Oregon Ridge Park, damage to trees, land, vernal pond, trails. CEQ letter to County Executive, Department Directors, and County Councilmembers re apparent infringement of Balt County law, bill 67-18 which pertains to prohibited activity that

“(i) Is detrimental to the natural resources and ecological function of park property; (ii) Interferes directly or indirectly with the use of park property; or (iii) Is harmful to human, animal, plant, or aquatic life on park property”

**Law** at: <https://resources.baltimorecountymd.gov/Documents/CountyCouncil/bills/bills%202018/b06718.pdf>

**CEQ report** of February 2018 at: <https://resources.baltimorecountymd.gov/Documents/CEQ/treepainting.pdf>

Carol circulated the draft letter – we hope people have gone over it. Brian Fath also went out and took pictures of some of the damage. Dustin suggested referencing the Oregon Ridge Park Master Plan, but they haven’t come out with recommendations yet.

Valerie: leave out question of people forgetting the law; just point out that the law exists and was violated. Also include the suggestion that there should be oversight by the Park when contractors are out doing this kind of work.

Recommendation: send out a revised version and we can approve by email. Carol will send that out next week.

Linda heard back from Ralph Brown about the benches by the painted trees. There is ongoing discussion.

8:00-8:30 - Update of CEQ Road Salt report of 2009 - Progress and timeline - Linda Davis

Thank you to everyone who has turned in their segment!

Questions and challenges, what is missing and what’s next

Question for Carol to Tony Russell – can we get the plowing and salt management plan from him to include in the report.

The other challenge is getting the sodium and chloride data in treatment plants and reservoirs. Joel Moore will help on this. We will have to do the best we can.

After looking at the N Va salt management tool kit, managing the salt that is used is recommended. There should also be a stronger push to make information readily available to the public. Linda is working on the Best Management Practices section of our report. We are past that now; people know what the best practices are so what she sent out were the BMPs from the N Va Salt Management Plan. It would help to be able to put hyperlinks to sections of the report so people can access specific

pages in the report by clicking on a link. There are also questions about formatting that Brian and Carol will be working on.

Last time we assumed the people consuming this report would be mostly County Council staff; we put in an executive summary and mini backgrounds to make it broadly digestible.

Thanks to Linda for all of this hard work. Lois commented that there is now a lot more information being made publicly available and a lot more public interest in things like infiltration of salts into well water. What do we know about salt content of water people have access to at their homes (esp. if they are not relying on public water supply)?

#### **IV. CONCLUSION**

**Ajourned 8:31 pm.**

Next CEQ meetings in 2024: 4/24, 5/22, 9/25, 10/23, 12/4

4/24 - New Forest Conservation Manual for Baltimore County, presentation by DEPS

Addendum: CEQ Greeters Rota for 2024

1/24 Carol Newill

2/28 Valerie Androutsopoulos

3/27 Mahnaz Assadi

4/24 Linda Davis

5/22 Lynda Eisenberg

9/25 Brian Fath

10/23 Jennifer Langford

12/4 Andy Miller

