

# Part A

Woodland and Wildlife  
Habitat Conservation  
Technical Manual

# 1.0 Introduction

This part of the Environmental Technical Manual provides guidance and direction on how to prepare tree conservation plans and related documents for submission in Prince George's County to demonstrate conformance with Subtitles 4, 25, 27, and 32 of the County Code. Refer to these subtitles for the regulations that this portion of the manual addresses. In the County Code, this section of the Environmental Manual is referred to as "The Technical Manual."

# 2.0 Trees and the Law in Prince George's County

On January 29, 1990, the Prince George's County Woodland Conservation and Tree Preservation Ordinance (CB-73-1990) went into effect. This program required the conservation of woodlands in accordance with the "Prince George's County Conservation and Tree Preservation Policy Document" for development plans and grading permits involving sites that are 40,000 square feet or greater in area and contain a total of 10,000 square feet or more of woodlands.

When it was first introduced, the Woodland Conservation Ordinance (WCO) was groundbreaking in the State of Maryland and nationally. It provided, for the first time, direction and requirements with regard to the preservation of trees and woodlands during the land development process. The County had a vision to be a leader in the environmental field, as a way to provide its citizens with the healthiest, most sustainable, and beautiful communities within which to live and work.

In May 1990 a technical manual was published to provide guidance and direction on how to prepare the required plans. The manual included examples, instructions, and details to help implement the ordinance requirements. Appendices included information for preparing forest stand delineations and tree conservation plans.

In 1991, the General Assembly of Maryland adopted the Forest Conservation Act, Subtitle 16. "Natural Resources," Annotated Code of Maryland and Section 5-1603(a). At that time, most of the provisions of the Prince George's County ordinance were adopted by the state. Today, County programs are required to be approved and periodically reviewed by the Maryland Department of Natural Resources Forest Service.

Since 1990, various County Council bills have been approved concerning woodland conservation. In 2010, the County Council approved an update to the Prince George's County Code to bring it into conformance with state laws regarding tree and forest conservation. The name of the ordinance was changed to the Woodland and Wildlife Habitat Conservation Ordinance to emphasize that wildlife habitat conservation is one of the purposes of the regulations. The updated ordinance was approved by the County Council on July 13, 2010, and is abbreviated WCO throughout this manual. Several state bills have also been passed since 1991 to amend the Forest Conservation Act. The current state requirements have been incorporated in the 2010 update to the WCO. The Council bill that approved the updated ordinance is CB-27-2010.

# 3.0 Process and Applicability

The process of preparing plans for conformance to the County Code starts with the preparation of a forest stand delineation (FSD) or natural resource inventory (NRI) and then the preparation of the appropriate type of tree conservation plan, depending on the type of application (see Table I-3 in the Introduction chapter). Section 25-119 of the WCO details the applicability of the regulations and should be consulted prior to preparing plans for submittal.

The technical manual describes the plan specifications and preparation processes related to each application. When comments are received during the review of any of the plans covered in this manual, applicants are required to submit a comment/response letter to speed the review of the plans and provide a description of the applicant's understanding of the comments provided. As noted in Subtitle 25, the plans showing the existing environmental information must be at the same scale as the associated submittals.

Additional submittal requirements to address potential issues that vary from site to site, such as the presence of Marlboro Clay, noise, or variance applications, may also be required.

The requirements for each application type are contained in the County Code sections that govern the relevant portion of the process.

Letters of exemption (LOE) from the WCO may be granted for certain properties or activities only if the property does not have a previously approved tree conservation plan. Two types of exemption letters may be issued: standard exemptions are for development applications for sites that are less than 40,000 square feet in size or for sites that contain less than 10,000 square feet of woodlands, and numbered exemptions are for permit applications for activities that disturb less than 5,000 square feet of woodlands. Numbered exemptions are to be used for permit applications only and are not acceptable for submission with a land development application. The conditions and requirements for each type of exemption are outlined in the Letters of Exemption section.

Tree conservation plans are the legal mechanism used to illustrate how the woodland conservation requirements will be met both during the land development process and in perpetuity as required by the Forest Conservation Act. There are two types of tree conservation plans. Specific requirements for Type 1 and Type 2 tree conservation plans, and the level of detail required for each, are outlined in Sections 6.0 and 7.0 below.

## 4.0 Forest Stand Delineation (SEE PART B)

## 5.0 Letters of Exemption

A property may be eligible for an LOE from the woodland conservation requirements of the WCO when information is verified that the site or proposed activity qualifies for an exemption under the criteria set forth for exemptions. An LOE from the woodland conservation requirements does not exempt the property from the tree canopy requirements as outlined in the Guidelines for Tree Canopy Coverage section. All applications must either include a standard LOE or the appropriate tree conservation plan. Permit applications for specific activities may include a numbered LOE in lieu of a tree conservation plan.

**Letters of exemption cannot be issued for properties that have a previously approved TCP unless the TCP has expired.**

Information regarding the presence of a tree conservation plan is provided at [www.pgatlas.com](http://www.pgatlas.com) (use the identify feature) or by visiting the Environmental Planning Section.

Letters of exemption are not required for certain activities. For a list of these activities, refer to the WCO, Section 25-119. Applicability. (b) Exemptions from this Division.

Letters of exemption are valid for two years from the date of issuance. If the associated application or permit expires, the LOE also expires. Renewing the LOE requires a new application, a copy of the previous letter, and the associated fee.

A standard letter of exemption is issued for sites with no previous TCP that meet one of the conditions listed in this section under Standard Letters of Exemption. A numbered LOE is issued for proposed activities on properties that are greater than 40,000 square feet, contain more than 10,000 square feet of woodland, have no previous TCP, and meet one of the conditions listed in this section under Numbered Letters of Exemption.

Refer to the Exemption Matrix (Figure A-1) for information regarding when a tree conservation plan is required and when a letter of exemption may be requested.

## 5.1 PREPARATION OF THE APPLICATION PACKAGE

To apply for a letter of exemption, the following must be submitted to the Environmental Planning Section:

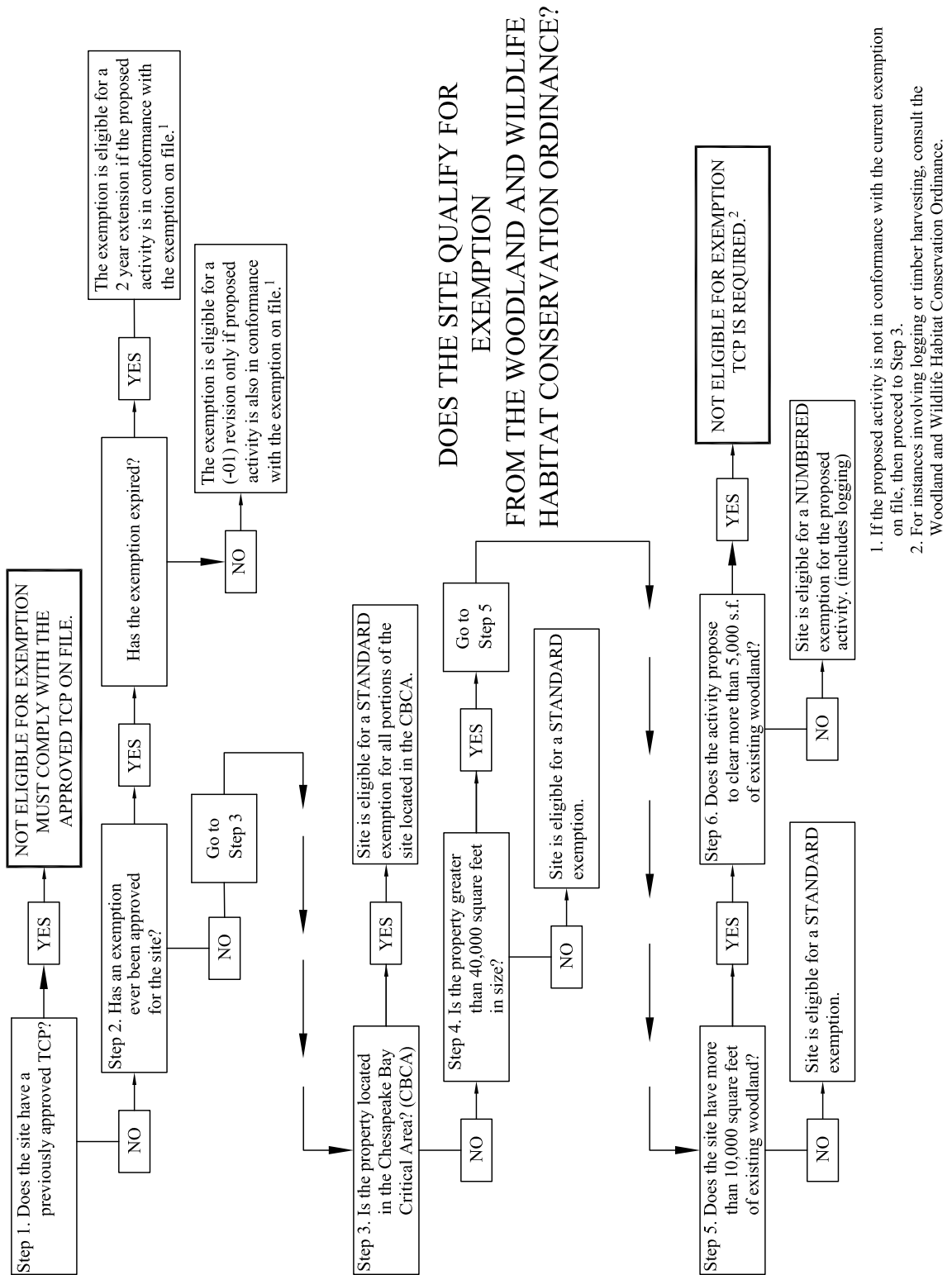
1. A site plan or equivalent showing the existing tree line, proposed limit of disturbance, and proposed activity. The plan must show sufficient information so that a determination can be made regarding the exemption status for the application. If the information submitted is not sufficient to make a determination regarding the exemption status for an application, a simplified forest stand delineation (FSD) may be required. If the activity requires a land development application for a subdivision, for example, a numbered exemption cannot be issued.
2. A completed Environmental Planning Section application form, available online at [www.pgplanning.org](http://www.pgplanning.org) or from the Environmental Planning Section.
3. A check or money order for the appropriate fee made payable to The Maryland-National Capital Park and Planning Commission. If multiple applications are requested, a separate check is required for each application. Applications may be made in person during business hours or by mailing a package containing all required materials to the Planning Department.

## 5.2 STANDARD LETTERS OF EXEMPTION

Standard LOEs are issued for sites with no previous TCP that meet one or more of the following conditions:

1. The property is less than 40,000 square feet gross tract area.
2. The property contains less than 10,000 square feet of woodland.
3. The site is located within the Chesapeake Bay Critical Area (CBCA). (If a site is located partially within the CBCA, then only that portion within the CBCA is exempt from the WCO and is subject instead to CBCA regulations. If a portion of the property is outside the CBCA, that portion must conform to the regulations of the WCO.)
4. A letter from the State of Maryland Department of Natural Resources is provided stating that they are taking jurisdiction over the review of the project. (The standard LOE and the state-approved forest conservation plan shall accompany all local applications.)
5. The construction of a state road or highway is proposed, and a letter from the State of Maryland Department of Natural Resources is provided stating that they are taking over the review of the project.
6. Cutting or clearing of trees or woodlands necessary to meet the requirements related to objects affecting navigable airspace, provided that the Federal Aviation Administration has determined that the trees are a hazard to aviation.

**Figure A-1. Exemption Matrix**



## 5.3 NUMBERED LETTERS OF EXEMPTION

Numbered letters of exemption are issued for an activity or series of activities resulting in the cumulative disturbance of less than 5,000 square feet of woodland during a five-year period on a site that otherwise would be subject to the WCO. A numbered letter of exemption shall not be issued for properties that are required to submit applications as part of the land development process for the activity proposed. The property must not have a previous TCP and must meet one or more of the following conditions:

1. Less than 5,000 square feet of woodland is proposed to be cleared over a five-year period.
2. No other applications are required as part of the land development process for the activity proposed.
3. Commercial logging and forest harvesting operations are proposed on properties in the Open Space (O- S), Residential-Agricultural (R-A), Residential-Estate (R-E), or the Rural-Residential (R-R) zones. The land is subject to the requirements established in the WCO, Section 25-119. Applicability. (b) Exemptions from this Division. (5) (C) Numbered Letter of Exemption. An approved Forest Management Plan is also required.
4. A linear project that meets all of the following criteria:
  - a. Proposes to disturb less than 20,000 square feet of woodland.
  - b. None of the associated properties are subject to a previously approved TCP.

# 6.0 Type 1 Tree Conservation Plan (TCP1)

A Type 1 tree conservation plan (TCP1) illustrates conceptually how the requirements of Subtitle 25 and the other relevant requirements of related sections of the County Code will be met. It is prepared by analyzing the existing site features and determining which features are the highest priorities for preservation. Other environmental issues, such as noise, soil conditions, and water resources, are also considered prior to site design. This analysis is then meshed with the site constraints, such as access points for roadways and utilities, to determine the best conceptual layout for the development proposed.

TCP1 applications are required to meet all of the requirements of Subtitle 25. Applicants can request a variance from the provisions of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of COMAR. An application for a variance shall be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings. Required variances associated with a TCP1 shall be approved by the Planning Board, Zoning Hearing Examiner, and the District Council with the associated case as appropriate.

A TCP1 is followed later in the process by a Type 2 tree conservation plan that provides the detailed grading, final building locations, and final calculations of woodland conservation. Refer to the Type 2 Tree Conservation Plan (TCP2) section for information regarding the preparation of a TCP2.

At a minimum, a TCP1 is a plan prepared at the same scale as the associated application and includes a completed worksheet, standard notes, and all of the elements required by the TCP1 checklist. The TCP1 must be checked for accuracy and completeness prior to submission by the qualified professional who prepared it. TCP1s are required to be submitted with an associated application and are not reviewed separately from their associated application. A plan preparation checklist and the standard TCP1 notes are provided in Appendix A.

## 6.1 SUBMISSION OF A TCP1

A TCP1 is conceptual in nature and is required to be included as part of the following applications:

1. Conceptual site plans
2. Comprehensive design plans
3. Preliminary plans of subdivision

An overall cover sheet must be provided for multisheet plans. The cover sheet shall provide a key to the areas covered by each sheet, and this key shall be provided on each sheet.

## 6.2 PROCESS FOR PREPARING A TCP1

### 6.2.1 Step 1: Priority Areas for Preservation and Replanting

During preparation of the FSD, the site was evaluated to identify areas of high priority woodlands. During the preparation of the natural resource inventory, regulated environmental features and their buffers were established. When preparing a TCP1, the first step is to analyze the priority areas for preservation and determine how the proposed development fits within this framework. Through all aspects of the site design process, the priority areas should be considered and impacts avoided or minimized. Areas that are priorities for replanting are also considered throughout the design process and are enhanced using either reforestation or afforestation so that priority areas have the opportunity to develop into perpetual woodlands. The priority areas for consideration as woodland conservation are provided in Section 25-121(b)(1):

“(b) Woodland and Wildlife Habitat Conservation Priorities

“(1) The required locational priorities for consideration as woodland conservation are as follows in the order listed:

- “(A) Green infrastructure network elements designated in the Countywide Green Infrastructure Plan and any subsequent updates, or within the designated green infrastructure networks in master or sector plans.
- “(B) Critical habitat areas.
- “(C) Contiguous wooded areas with: high structural and species diversity; few nonnative and invasive species present; very good overall stand health; and high potential to provide a significant amount of habitat for forest interior dwelling plant, animal, and bird species.
- “(D) Champion trees designated by the United States, the State of Maryland, the County or municipalities.
- “(E) Specimen trees and historic trees.
- “(F) Forest Legacy Areas as defined by the state.
- “(G) Trees that are within the environmental setting of a historic site or associated with a historic resource.”

When selecting areas for preservation or restoration on a TCP1, the location, condition, and structure of the existing woodlands as detailed in the FSD report should be used. When deciding whether specimen, champion, or historic trees should be preserved, their condition as outlined in the FSD report should be considered, as well as the construction tolerance for each species. A construction tolerance chart is provided in Appendix A. Per Subtitle 25, Section 25-122(b)(1)(G). Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved, and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction. It should be noted that the removal of a specimen, champion, or historic tree requires the approval of a variance per Section 25-119(d).

## 6.2.2 Step 2: Calculating the Woodland Conservation Requirement

After a site design has been prepared using the information gleaned from the priority area analysis, the woodland conservation requirement can be calculated.

The woodland conservation requirement is based on two factors: the woodland conservation threshold (WCT) percentage is based on the zoning of the subject property and the total woodland conservation requirement is based on the threshold and the amount of clearing proposed. One of the standard woodland conservation worksheets must be used to calculate the total requirement. A basic woodland conservation worksheet and the guidelines for completion are included in Appendix A.

The acreage of the WCT is determined by multiplying the WCT percentage for that zone (see Table A-1) by the net tract area (gross tract area minus 100-year floodplain and “previously dedicated land”—refer to WCO for definitions) as shown in the example below.

$$\begin{array}{r}
 14.00 \text{ acres gross tract area} \\
 - 1.00 \text{ acre of 100-year floodplain} \\
 \hline
 - 0.00 \text{ acre of previously dedicated land} \\
 \hline
 =13.00 \text{ acres of net tract area} \\
 \\
 13.00 \text{ acres of net tract area} \\
 \times 0.20 \text{ percent threshold in the R-T Zone} \\
 \hline
 = 2.60 \text{ acres woodland conservation threshold (WCT)}
 \end{array}$$

Afforestation refers to planting trees where none existed on a site before or where they have been absent for a long time. At a minimum, all sites subject to the WCO must meet the afforestation threshold as stated in the WCO. Woodland conservation thresholds and afforestation thresholds (AFT) are expressed in percentages and differ by zoning category.



If a site contains less acreage of woodlands than the acreage of the threshold, then the woodland conservation threshold drops to the acreage of woodlands on the site. The minimum woodland conservation threshold cannot fall below the afforestation threshold for a site.

**Table A-1. Woodland Conservation and Afforestation Thresholds and Tree Canopy Requirements by Zone**

Zone	WOODLAND CONSERVATION REQUIREMENTS	
	Minimum Woodland Conservation Threshold*	Minimum Afforestation Threshold*
R-O-S, O-S, R-A	50%	20%
R-E, R-L, V-L	25%	20%
R-S, R-R, R-80, R-55, R-35, R-20, R-T, R-30, R-30C, R-18, R-18C, R-10, R-10A, R-H, R-U, R-M, R-M-H, V-M	20%	15%
C-A, C-O, C-S-C, C-1, C-C, C-G, C-2, C-W, C-M, C-H, C-R-C, I-1, I-2, I-3, I-4, E-I-A, L-A-C, M-X-C, M-U-I, M-U-T-C, M-X-T, M-A-C, U-L-I	15%	15%

\*Percentage of net tract area

### 6.2.3 Step 3: Illustration of How the Requirement is Being Met

After the requirement has been determined for the site, the design is evaluated to determine how the requirement will be met. The preservation areas in priority locations will be the first areas to be counted toward meeting the requirement. Consideration should then be given to placing afforestation and reforestation areas adjacent to the priority areas for preservation. Refer to Subtitle 25-121(b) for the order of priorities for woodland conservation.

The design must meet the design criteria outlined in Subtitle 25, Section 25-122. The plans must show all standard symbols clearly and each existing or proposed wooded area must be labeled separately as to treatment and acreage. A table shall be provided on each sheet that contains the following information: gross tract area, 100-year floodplain (FP), net tract area (NTA), existing woodland within the net tract area, existing woodland within the 100-year floodplain, woodland cleared in the net tract area (C-NTA), woodland cleared in the 100-year floodplain (C-FP), woodland cleared off-site (C-OS), woodland preservation area (WPA), woodland reforestation/afforestation area (WRA), woodland retained/not credited toward the requirements (WR-NC), and woodland retained but assumed cleared (WP-AC). The figures provided on each sheet are then calculated to provide the overall totals for the site. These totals must match the areas being reported on the woodland conservation worksheet. All off-site clearing must be reported on the worksheet. A summary table, similar to the one shown in Table A-2, must be provided on the cover sheet. For developments that will likely be developed by different parties in the future, such as a large-lot development with different custom builders or an industrial site where the parcels will be developed by different parties in the future, a lot-by-lot table may be required that contains the same information as that provided in Table A-3.

**Table A-2. Woodland Conservation Summary Table**

Sheet	Gross Tract Area	100-Year Floodplain (FP)	Net Tract Area (NTA)	Ex. Woodland (NTA)	Ex. Woodland (FP)	Woodland Cleared Net Tract (C-NTA)	Woodland Cleared Floodplain (C-FP)	Woodland Cleared Off-Site (C-OS)	Woodland Preservation Area (WPA)	Woodland Reforestation Area (WRA)	Woodland Retained/ Not Credited (WR-NC)	Woodland Retained/ Assumed Cleared (WR-AC)
1	7.32	1.27	6.05	5.50	1.27	2.72	0.48	-	1.28	-	1.50	-
2	6.95	0.79	6.16	5.86	0.79	3.63	-	-	0.58	-	1.65	-
3	5.05	-	5.05	4.85		1.85	-	-	2.00	-	1.00	-
4	5.62	-	5.62	5.50		1.62	-	-	1.78	-	2.10	-
5	6.16	-	6.16	6.00		2.49	-	-	1.85	-	1.66	-
6	4.76	-	4.76	4.50		1.68	-	-	0.90	-	1.92	-
7	6.92	-	6.92	6.25		1.10	-	-	2.15	-	3.00	-
8	7.97	-	7.97	7.75		2.69	-	-	3.41	-	1.65	-
9	5.56	-	5.56	5.50		2.19	-	-	2.37	-	0.94	-
Total	56.31	2.06	54.25	51.71	2.06	19.97	0.48	-	16.32	-	15.42	-

**Table A-3. Lot-by-Lot Woodland Conservation Summary Table**

Lot (List all lots)	Gross Tract Area	100-Year Floodplain (FP)	Net Tract Area (NTA)	Ex. Woodland (NTA)	Ex. Woodland (FP)	Woodland Cleared Net-Tract (C-NTA)	Woodland Cleared Floodplain (C-FP)	Woodland Cleared Off-site (C-OS)	Woodland Preservation Area (WPA)	Woodland Reforestation Area (WRA)	Woodland Retained/ Not Credited (WR-NC)	Woodland Retained/ Assumed Cleared (WR-AC)
1	1.25	-	1.25	1.25	-	0.47	-	-	0.58	-	0.20	-
2	1.56	0.35	1.21	0.98	0.35	0.33	-	-	0.38	-	0.27	0.22
3	1.36	-	1.36	1.25	-	0.45	-	-	0.55	-	0.25	-
4	1.19	-	1.19	0.75	-	0.22	-	-	0.43	-	0.10	-
Total	5.36	0.35	5.01	4.23	0.35	1.47	-	-	1.94	-	0.82	0.22

### 6.2.4 Step 4: Worksheet and Standard Notes

The worksheet to be used must match the proposed development. There are several worksheet types provided in Appendix A. The standard notes contained in Appendix A must be provided as appropriate on all TCP1s. Additional notes may be required as needed to address situations that are specific to a particular site. A phased worksheet is used when the future development will occur in phases so that the future Type 2 tree conservation plans can be prepared separately. A government project worksheet is used when the option to provide all woodland conservation at a rate of 1:1 will be used. If a government project opts to use the woodland conservation threshold of the underlying zone, then a standard worksheet is used.

### 6.2.5 Step 5: Quality Control Check

Prior to submission of the TCP1 for review, it must be checked by the qualified professional who prepared it to ensure that all appropriate checklist items have been addressed. The worksheet must be checked to ensure the calculations have been done correctly and the sheet tables are correct. Any plans that do not meet the minimum standards for review, such as the use of standard symbols, a standard worksheet, and the required standard notes, shall not be accepted for review.

### 6.2.6 Step 6: Signature and Date by Qualified Professional

When the TCP1 is complete, it must be signed and dated by the qualified professional who prepared the plan. By signing the plans, the qualified professional certifies that the plan meets the minimum standards required by the WCO and the technical manual and that all the calculations have been done correctly.

## 6.3 COMPLETING A TCP1 WORKSHEET

Several standard woodland conservation worksheets are used for the preparation of a TCP1, based on the type of plan being prepared. One of the approved worksheet templates is to be provided on every TCP1. While the basic standard worksheet is the most widely used, there are variations that are tailored to meet unique circumstances such as for phased projects, government projects, and for single lots with prior TCP approval. The worksheet is divided into three main sections. All worksheets include the three main sections, but each type is tailored to meet the circumstances unique to certain types of projects. The worksheets are also available online through the Prince George's County Planning Department's web site at [www.pgplanning.org](http://www.pgplanning.org).

**SECTION I—ESTABLISHING SITE INFORMATION.** This section describes the site and divides the subject property's acreage into appropriate categories. The gross tract area includes all of the acreage of the associated application. The floodplain delineation must be conducted to meet the requirements of Section 27-124.01 of the Zoning Ordinance. Previously dedicated land can only be subtracted when the dedication occurred prior to the first application for a tree conservation plan. The worksheets are designed to make all necessary calculations when the required numbers are inserted into the computer spreadsheet. All required numbers are stated in acreage to the nearest 1/100th of an acre. Because the WCT is based on the zoning of the property, make sure the correct zoning is used. The worksheet must include all zones existing on the property. All of the areas that are shaded on the spreadsheet must be filled in for the computer spreadsheet to make the necessary calculations. The areas that are not shaded are protected cells that must not be altered, or the worksheet will not calculate properly.

Basic Standard Woodland Conservation Worksheet for Prince George's County				
SECTION I—Establishing Site Information (Enter acres for each zone)				
1	Zone:	R-R	R-T	
2	Gross Tract:	8.50	5.50	
3	Floodplain:	0.50	0.50	
4	Previously Dedicated Land:	0.00	0.00	
5	Net Tract (NTA):	8.00	5.00	0.00

6	Property Description or Subdivision Name:	Example Basic Standard Worksheet		
7	Is this site subject to the 1989 Ordinance?(y/n)	N		
8	Is this one (1) single-family lot? (y/n)	N		
9	Are there prior TCP approvals which include a combination of this lot/s? (y/n)	N		
10	Is this a woodland conservation bank?	N		
11	Break-even point (preservation) =	4.48	acres	
12	Clearing permitted without reforestation=	7.52	acres	

**SECTION II—DETERMINING REQUIREMENTS.** This section calculates the woodland conservation requirements for the site. Section 25-121 provides valuable information regarding how the requirements are calculated. Section 25-122(b) contains the design criteria to be followed in the preservation and replanting of woodland to meet the requirements. Section 25-122(c) provides the priorities for woodland conservation methods that must be followed during plan preparation.

<b>SECTION II—Determining Requirements (Enter acres for each corresponding column)</b>					
		<b>Column A WCT/AFT %</b>	<b>Column B Net Tract</b>	<b>Column C Floodplain (1:1)</b>	<b>Column D Off-Site Impacts (1:1)</b>
13	Existing Woodland		12.00	1.0	
14	Woodland conservation threshold (WCT) =	20.00%	2.60		
15	Smaller of 13 or 14		2.60		
16	Woodland above WCT		9.40		
17	Woodland cleared		10.50		0.38
18	Woodland cleared above WCT (smaller of 16 or 17)		9.40		
19	Clearing above WCT (0.25:1) replacement requirement		2.35		
20	Woodland cleared below WCT		1.10		
21	Clearing below WCT (2:1 replacement requirement)		2.20		
22	Afforestation threshold (AFT) =	15.00%	0.00		
23	Off-site conservation being provided on this property		0.00		
24	Woodland Conservation Required		6.43		

**SECTION III—MEETING THE REQUIREMENTS.** This section contains information on how the woodland conservation requirements will be met. As noted above, Section 25-122(c) provides the priorities for woodland conservation methods that must be followed during plan preparation. Prior to selecting methods to be used in meeting the requirements, the highest priority methods must be exhausted.

<b>SECTION III—Meeting the Requirements</b>				
25	Woodland preservation		1.10	
26	Afforestation/reforestation		4.50	
27	Area approved for fee-in-lieu		0.83	\$10,846.44
28	Credits for off-site conservation on another property		0.00	
29	Off-site conservation (preservation) being provided on this property		0.00	
30	Off-site conservation (afforestation) being provided on this property		0.00	
31	Total woodland conservation provided		6.43	
32	Area of woodland not cleared		1.50	acres
33	Woodland retained not part of requirements		0.40	acres

## 6.4 EPS APPROVAL BLOCK

TCP1s and TCP2s require an approval block so that staff can sign the final version of the plan. If an approved plan is being revised, the name of the reviewer who previously signed the plan is typed onto the proper line in the block, and the date is typed next to it in that column.

<p>M-NCPPC          Prince George's Planning Department          Environmental Planning Section  <b>APPROVAL</b>          TREE CONSERVATION PLAN</p>		
<div style="border: 1px dashed red; padding: 2px; display: inline-block;">TCP1-100-02</div>		
Approved by		Date
Initial staff signature	J. Doe	9/5/2002
01 revision		
02 revision		
03 revision		

Fill in TCP #.

This TCP was originally approved by M-NCPPC reviewer J. Doe on 9/05/2002. Type in J. Doe's name and signature date here.

When reapproved by M-NCPPC, the M-NCPPC reviewer will provide an original signature in the appropriate revision box to indicate plan approval.

Example: M-NCPPC staff member Jane Doe previously approved TCP1-100-02 on September 5, 2002. Due to a change in the proposal, the revised TCP1 is being resubmitted for review and approval.

## 7.0 Type 2 Tree Conservation Plan (TCP2)

A Type 2 tree conservation plan (TCP2) provides more detail than the TCP1. The TCP2 shows the final grading proposed on a site and the proposed actual locations for structures (as opposed to conceptual locations shown on the TCP1), utilities, easements, stormwater management, and a final limit of disturbance (LOD). Final decisions are made for techniques that will be incorporated on the site to ensure adequate woodland conservation and tree protection.

TCP2 applications are required to meet all of the requirements of Subtitle 25. Applicants can request a variance from the provisions of Subtitle 25 provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of COMAR. An application for a variance shall be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings. Required variances associated with a TCP2 shall be approved by the Planning Board, Zoning Hearing Examiner, and the District Council with the associated case as appropriate. The Planning Director may approve variances for tree conservation plans that are not associated with applications heard by the Planning Board, Zoning Hearing Examiner, or the District Council.

Subtitle 25, Section 25-119(c) Plan Review and Conformance, describes the conformance requirements with regard to TCP2 submissions. Refer to additional sections of Subtitle 25 for more information.

### “(c) Plan Review and Conformance

“(1) The approval authority for TCPs is the same as that of the associated application.

“(A) If a TCP1 has been approved for a site, all subsequent TCP2 plans must be in conformance with the TCP1.

“(i.) If the TCP2 is to be approved by the Planning Board, conformance with the TCP1 shall be determined by the Planning Board.

“(ii.) If a TCP2 is to be approved by the Planning Director or designee, it shall be in conformance with this Division and in conformance with the TCP1 as follows:

“(a.) Any proposed reduction in the total woodland conservation on the site shall not exceed the greater of 5,000 square feet or 5 percent of the area of on-site woodland conservation originally approved; or

“(b.) The proposed change in the location or type of woodland conservation shall not exceed the greater of 10,000 square feet or 10% of the area of woodland conservation originally approved; or

“(c.) The proposed change or reduction results from governmental requirements; or

“(d.) Specimen trees specifically identified for preservation will not be adversely affected.

“(e.) The proposed TCP2 continues to meet all required elements of this Division.

“(f.) The TCP2 does not affect lots already sold to builders or homeowners.

“(iii.) If a criterion in (ii.) above cannot be met, the TCP2 shall be duly advertised and the approval authority becomes the Planning Board.

“(B) If no TCP1 exists and one is not required, each TCP2 shall be in conformance with this Division. If a permit is subject to this Division, a TCP2 shall be approved by the Planning Director or designee.”

## 7.1 APPLICABILITY OF A TCP2

A TCP2 is required with all applications that are subject to the WCO. A TCP2 receives final approval authority as follows:

TCP2 approval authority is the Planning Board, Zoning Hearing Examiner, or the District Council for:

- Special exceptions, detailed site plans, or specific design plans

TCP2 approval authority is the Planning Director or designee for:

- Grading plans and permits
- Road-grading plans
- Establishment of a woodland conservation bank (the requirements of the Specialized TCP2s section, Woodland Conservation Banks, must also be met, and both the TCP2 checklist and the woodland conservation bank checklist must be used to prepare the plan.)
- Forest harvesting

If a TCP1 has preceded the TCP2, the approved TCP1 is instrumental in completing the TCP2. Prior to the completion of the TCP1, the FSD or NRI establishes areas of sensitive environmental features and high-priority woodlands. The TCP1 provides conceptual approaches for retaining and protecting existing forested areas and sensitive environmental features, and makes commitments regarding how the County Code requirements will be met.

It is noted that the final grading plan may result in certain changes that were not anticipated at the TCP1 stage. These changes may ultimately change the conservation areas shown on the TCP1. Minor differences from the TCP1 are permitted within the parameters described in the WCO. When a TCP2 is approved at the Planning Director level, major changes that include proposing the use of fee-in-lieu or off-site woodland conservation when these methods were not approved by the Planning Board for the TCP1 cannot be shown on a TCP2. If no alternative exists, the TCP2 shall be referred to the Planning Board to approve the changes requested.

## 7.2 TCP2 PREPARATION METHODOLOGY

The TCP2 must be prepared at the same scale as all associated plans submitted for the subject application but at a scale no greater than 1 inch=50 feet. Larger scales may be appropriate for woodland conservation banks if approved by the Planning Director or designee. An overall cover sheet must be provided for multisheet plans. The cover sheet can be at a scale greater than 1 inch=50 feet but no greater than 1 inch=200 feet. The cover sheet shall provide a key to the areas covered by each page, and this key shall be provided on each sheet. The plan shall show the final details of how the woodland conservation requirements are being met and must be prepared using the standard symbols provided in Appendix—Introduction. The TCP2 must include all of the items per the TCP2 checklist provided in Appendix A.

### 7.2.1 Submittal Requirements

The TCP2 must accomplish two basic objectives to be considered for approval. First, the TCP2 must provide a clear graphic representation of all of the proposed disturbances and construction to occur on the site, including all temporary disturbances, such as those for sediment and erosion controls, with the limit of disturbance (LOD) clearly shown. The plan must also clearly identify the locations of preservation areas, tree planting areas, specimen, champion, and historic trees, including proposed protection measures. The completed Woodland Conservation Worksheet must be shown on the plan to provide the information needed to satisfy the woodland conservation requirements for the site. Refer to Appendix A for Woodland Conservation Worksheet types for TCP submissions. An approved NRI is required to be submitted. (Refer to Part A, Section 4.0, Forest Stand Delineation and Part B, Guidelines for the Preparation of a Natural Resource Inventory for more information.)

## 7.2.2 Plan Preparation Process

### 7.2.2A STEP 1: ESTABLISHING THE LIMITS OF DISTURBANCE

Setting the LOD on the site is critical to the preparation of the TCP2. The LOD must reflect what will actually occur in the field during construction. Any change to the LOD that results in 5,000 square feet or more of additional clearing on an approved TCP2 requires the resubmission of a revised plan for review and approval. The LOD shown on the TCP2 must always match that of the erosion and sediment control plan. All proposed disturbances, whether temporary or permanent, must be within the LOD.

There are many aspects of the plan that may change as it moves through the review and development processes. The best way to reduce the amount of unanticipated revisions is to work with the most accurate information possible early in the process. If a TCP1 was approved for the site, the conceptual LOD shall be used as a guideline for the establishment of the LOD on the TCP2. At the time of TCP2 preparation, the topography and existing site features must be surveyed. Aerial photography or field run, ground-based mapping are required. After aerial photographs are obtained, field survey work may be required to establish and measure the map's basic control points and to identify objects that need visual verification.

### 7.2.2B STEP 2: PLANNING FOR THE PRESERVATION OF EXISTING WOODLANDS

When woodlands are cleared on a site, a new woodland edge is created. The final limit of disturbance balances the needs for the development with the demands for survivability of the trees along the new edge. Sometimes trees along the new edge of woodland become stressed and die due to the root damage or loss and the sudden exposure to harsh conditions of sun and wind. The intent of a preservation area is to preserve the trees in good condition and not create problems or future expenses for the future property owners. Refer to the Standard TCP2 notes provided in Appendix A for the appropriate edge management notes that need to be included on the plan in this situation.

The final limits of disturbance must include:

1. The proposed final clearing and grading for all roads, structures, utilities, easements, stormwater management, and erosion and sediment controls.
2. The appropriate dimensions of cleared building footprints. At a minimum, the LOD must provide for 40 feet of cleared area to the front and rear of all building footprints and 20 feet of cleared area to the sides of all building footprints, within the subject lot or parcel.
3. Methods that address all of the design criteria listed in Section 25-122.
4. Preservation of a sufficient amount of the critical root zones of specimen trees to ensure their survival if they are shown to be preserved.

### 7.2.2C STEP 3: DETERMINING THE WOODLAND CONSERVATION REQUIREMENTS

Once the LOD has been established, the area of cleared woodlands can be calculated. Using the correct Woodland Conservation Worksheet for the site, the woodland conservation requirements are determined (refer to Explanation of the Standard Woodland Conservation Worksheet, provided in Appendix A.)

### 7.2.2D STEP 4: HOW WOODLAND CONSERVATION REQUIREMENTS ARE MET

The required priorities for woodland conservation methods are found in Section 25-122 (c), Conservation Method Priorities, of the WCO. Every effort must be made to meet the woodland conservation requirements on-site and then the following methods must be exhausted in turn:

1. On-site preservation of connected woodland and wildlife habitat areas
2. On-site afforestation/reforestation of connected planting areas using transplanted native stock
3. On-site afforestation/reforestation of connected planting areas using native whip and seedling stock
4. On-site specimen trees
5. On-site natural regeneration
6. Off-site afforestation/reforestation using relocated stock in an approved woodland conservation bank



7. Off-site afforestation/reforestation using native whip and seedling stock in an approved woodland conservation bank
8. Off-site preservation
9. On- or off-site habitat enhancement
10. Off-site natural regeneration
11. On-site landscaping
12. Street trees
13. Fee-in-lieu

Woodland conservation areas must be delineated on the plan using the standard symbols. These areas must be established according to Section 25.122 (b), Design Criteria, of the WCO. The symbols must be included in the legend. Woodlands preserved or planted to meet the WCO requirements may also be counted toward meeting the tree canopy requirement (refer to Part D of this manual).

#### **7.2.2E STEP 5: FINAL TCP2 WORKSHEET**

At this point the final TCP2 worksheet can be prepared. It must show all of the calculations and information that determined the woodland conservation requirements and how they are being met (refer to the Guidelines for the Completion of the Prince George's County Woodland Conservation Worksheet, provided in Appendix A).

#### **7.2.2F STEP 6: COMPLETING THE PLAN**

The plan should now provide a clear graphic representation of the work to occur on the site within a clearly delineated limit of disturbance. The plan should also clearly identify the locations of all preservation areas, tree planting areas, and specimen trees. All conservation areas must show protective fencing and signage, and all associated details are required to be shown on the plans. The completed woodland conservation worksheet must be shown on the plan providing the information needed to satisfy the woodland conservation requirements for the site. A legend must be provided containing all of the symbols used on the plan. Symbols that are not used on the plan should not be included in the legend. The final plan must also include all of the appropriate standard TCP2 notes (see Appendix A). Refer to Section 6.0 for an example of an EPS approval block, another required element on a completed TCP2.

## **7.3 SPECIALIZED TCP2s**

### **7.3.1 Woodland Conservation Banks**

When the woodland conservation requirements for a site cannot be met on-site, due to site constraints or other considerations, an alternative is fulfilling the requirement off-site by securing woodland conservation credits from a woodland conservation bank. A woodland conservation bank is defined in the WCO as:

“A lot or parcel, or portions of a lot or parcel, that has been intentionally preserved or afforested as perpetual woodlands and has been protected by the documents recorded in the land records for the purpose of meeting the requirements of this Division for land development activities occurring on another property in the County.”

Woodland conservation banks are sometimes referred to as “mitigation banks.” This term is not used in the WCO to avoid confusion with the term “mitigation,” which is used to describe remediation or compensation for a woodland conservation violation. The regulations regarding woodland conservation banking are provided in Division 2 of Subtitle 25.

#### **7.3.1A PREAPPROVAL OF WOODLAND CONSERVATION BANKS**

Prior to submitting an application for a woodland conservation bank, the woodland conservation program coordinator in the Environmental Planning Section should be consulted for an initial evaluation to determine the suitability of the site for the intended purpose. Factors that may affect the approval of a woodland conservation banking site include its location relative to the designated green infrastructure network of the approved

Countywide Green Infrastructure Plan, the size of banking area proposed, the location of regulated environmental features, previous uses of the site, quality of woodlands on the site, the subwatershed location, continuity with other contiguous blocks of woodlands, and prior encumbrances on the property. Land currently protected by easements that specifically protect woodlands for another purpose, including but not limited to utility easements, approved TCPs for other development, deed restrictions, and declarations of covenants for woodland conservation banking that would impair the land from being used as a woodland conservation bank, cannot be used for banking purposes. Potential applicants are advised not to proceed with a tree conservation plan for a conservation bank until after preliminary approval is given for the proposed property or properties.

### 7.3.1B REQUIRED PLANS

An approved NRI is required for all proposed woodland conservation banks. The NRI must be prepared in accordance with all applicable requirements of the technical manual (refer to Part B, Guidelines for the Preparation of a Natural Resource Inventory). The type of FSD required for the NRI is based on the method of woodland conservation proposed, as follows:

1. A simplified FSD may be submitted if all proposed woodland conservation is to be done as afforestation.
2. An intermediate FSD may be submitted if less than 50 percent of the existing woodlands on the property are to be used as off-site conservation in preservation, there are no previously approved tree conservation plans for the property, and no other development activities are proposed for the property.
3. A detailed FSD is required if 1 or 2 above do not apply.

In addition to the information required for the type of FSD selected, the FSD for an off-site woodland conservation bank must provide the following information about the property:

1. Show all existing easements on the property, including utility easements, conservation easements, agricultural easements, floodplain easements, trail easements, grading easements, and woodland conservation easements if applicable.
2. Show the location of all elements related to septic fields (recovery field, lines, and the tank).
3. Show the location, and label all existing woodland conservation areas or off-site banking areas. Any recorded easements must include a legal description and land record reference.
4. Show the location of 100-year floodplains based on a study approved by the County.

A TCP2 is required for any property proposed as an off-site woodland conservation bank. A site with an existing TCP2 for on-site development may be revised to include off-site conservation banking if significant surplus woodland conservation areas exist on the site in priority preservation areas. The plan must include all of the information required for a TCP2, as well as unique items outlined on the TCP2 checklist for off-site conservation banking information (refer to the TCP2 checklist for conservation banks, provided in Appendix A).

Additional items must include the following:

1. Show all existing easements on the property, including utility easements, conservation easements, agricultural easements, floodplain easements, trail easements, grading easements, septic drain fields, and woodland conservation areas if applicable.
2. Show the rights-of-way for any master-planned roadway.
3. Show the location, and label all existing woodland conservation areas and off-site conservation, and include a legal description.
4. Show the location of the proposed easement with metes and bounds.
5. Include a woodland conservation worksheet for the property. This worksheet need only address the existing conditions and the conservation areas unless another development activity is being proposed for the property. If another development activity is proposed for the property then the worksheet must address not only the off-site conservation proposed but also how the property will satisfy its own requirements.
6. Include an off-site woodland conservation bank summary table as shown in Appendix A, which is used to track the transfer of woodland conservation credits from the site to the benefiting properties.

7. Include the appropriate general notes, management notes, protection devices, signs, bonding information, tree planting schedules, tree planting plans, and any other information needed to implement and protect the off-site conservation areas proposed.
8. Include the provision of a proposed building site and all associated features.

The NRI and TCP2 must be prepared by a qualified professional and be submitted for approval to M-NCPPC along with the appropriate application and fee. The NRI and TCP2 must include the legal boundaries of the property or properties involved.

### **7.3.1C REQUIRED DOCUMENTS**

In order to transfer credits in a woodland conservation bank, the land area associated with woodland conservation credits must be encumbered by a declaration of covenants or similar long-term protection mechanism in the County land records. The most current templates for these documents that have been preapproved by the Office of Law are available on the web through the Prince George's County Planning Department's web site at [www.pgplanning.org](http://www.pgplanning.org).

The establishment of an off-site woodland conservation bank requires the following documents and supporting information as determined by the Prince George's County Office of Law and is subject to change or alteration based on their legal evaluation:

1. A declaration of covenants, with original signatures
2. A copy of the deed or deeds to the property
3. An up-to-date title search not more than 60 days old
4. A metes and bounds description of the covenant area signed and sealed by a licensed surveyor
5. Statement of subordination for the mortgage, if one exists
6. A TCP2 approved specifically for the woodland conservation bank
7. Legal standing of any corporation with the records of the state, if applicable
8. A copy of a sample woodland conservation transfer certificate
9. Any other documents deemed necessary for establishing ownership of the woodland conservation rights on the property

The required documents are submitted to the Environmental Planning Section for preliminary review for correct acreages, tree conservation plan numbers, appropriate use of corporation titles, currency of documents, and other elements of correctness and completeness. The Environmental Planning Section may determine that the documents are correct and complete, or may request corrections, clarifications, or additional information. When deemed complete, the documents are then forwarded to the Office of Law for review. The Office of Law may request corrections or additional information, coordinated through the Environmental Planning Section, or the documents may be found ready for recordation.

### **7.3.1D RECORDATION OF WOODLAND CONSERVATION BANK DOCUMENTS**

To establish a woodland conservation bank, the package of documents to be recorded in the land records includes:

1. An original signed declaration of covenants
2. The legal description of the easement
3. A sample woodland conservation transfer certificate

No transfer tax is required when the declaration is recorded. After a woodland conservation bank is recorded in the land records, a copy of the recorded documents must be provided to the Environmental Planning Section before any credit transfers can occur.

The Environmental Planning Section maintains a database of all woodland conservation banks with available acreage, which is provided upon request to interested parties. The woodland conservation credit market is a private market, and neither M-NCPPC nor the County takes any responsibility for the cost of easements or availability of off-site woodlands. The government's role is one of tracking the private market as a public service.



### **7.3.1E OFF-SITE WOODLAND CONSERVATION CREDITS**

Off-site woodland conservation credits can be provided either by the preservation of existing trees or through the creation of new woodlands through afforestation. When off-site woodland conservation is provided by preservation, two acres of preserved woodlands are required for each acre of off-site woodland conservation credit required. When off-site woodland conservation is provided by afforestation, one acre of afforestation is required for one acre of off-site woodland conservation credit.

Off-site woodland conservation provided in preservation can be used for transfer credits immediately after the long-term protection measures are recorded in the land records and evidence of recordation has been provided. Off-site woodland conservation provided in afforestation is not available for transfer credit until the required planting has occurred, certification of planting prepared by a qualified professional has been submitted to the Environmental Planning Section in accordance with forms contained in this manual, and a bond has been submitted for the establishment of planting with a minimum term of four years. A woodland conservation bank that uses afforestation can be used without bonding if the planted areas have been established for a minimum of four years and the survival counts described below are provided.

Survival counts prepared by a qualified professional in accordance with the methodology provided in this manual must be submitted on an annual basis until the planting has been found to be successfully established. Two years after the conservation methods have been completed, a reduction in the bond amount of up to 50 percent may be approved by the County. The request for bond reduction shall be submitted in writing to the Planning Director and shall include documentation of the completion of the conservation methods and a survival count of materials. The Planning Director or designee shall recommend to the County whether a bond reduction is appropriate, taking into account the following: the number of acres, the proposed method of woodland conservation, the cost of planting materials or replacement materials, the cost of maintenance of the project, demonstrated survival count of materials, and other relevant factors.

After a final inspection of the site by the County inspector confirms that the areas meet or exceed the requirements of the approved woodland conservation bank TCP (no sooner than four years after establishment), the bond or other security shall be returned or released. The bond or other security may be subject to forfeiture if the approved TCP is not implemented fully within the time frames specified on the plan. The County shall notify the permittee of the intention of the County to initiate forfeiture proceedings following their established procedures for bond forfeiture.

If a woodland conservation bank is established using afforestation or reforestation, the property owner is responsible for maintaining the designated areas as perpetual woodlands. Failure to do so is a violation of the WCO, and the property owner or permittee may be subject to fines and penalties.

The approved TCP2 does not require revision unless an alternative use or development is proposed for the subject property. The off-site woodland conservation summary table records the transfer of credits and is updated each time credits are transferred even when the TCP2 is not required to be revised.

### **7.3.1F TRANSFERS OF WOODLAND CONSERVATION CREDITS TO BENEFITING PROPERTIES**

Woodland conservation credits are transferred from a woodland conservation bank by the use of a woodland conservation transfer certificate. The certificate is prepared by the owner of the property or the owner of the woodland conservation rights for the site and states the TCP2 numbers for the transferring and the benefiting properties, with reference to the recorded covenants. It is recommended that these certificates be reviewed for correctness and completeness by the Environmental Planning Section prior to recordation. At time of recordation of the transfer certificate, required transfer tax must be paid. Transfer tax rates are a percentage of the consideration payable and may vary from year to year. State and County transfer taxes apply. The state transfer tax is imposed under Title 13 of the Tax - Property Article, Annotated Code of Maryland. Higher rates may apply to agricultural land under Title 13, Subtitles 3 and 5 of the Tax - Property Article.

### **7.3.1G RELEASE OF GRADING PERMITS**

If off-site woodland conservation is proposed to fulfill the woodland conservation requirement, evidence that this requirement has been satisfied must be provided prior to the release of the associated grading permit. After recordation of a transfer certificate, a copy of the recorded certificate and a copy of a sales agreement between the transferring and benefiting properties must be submitted to the Environmental Planning Section. A copy of the recorded certificate is placed in the files of the transferring property and the benefiting property, the woodland conservation summary table for the transferring TCP2 is updated to include the pertinent information for the transfer certificate, and the information contained in the transfer certificate is placed into the off-site woodland conservation database.

### **7.3.1H RELEASE OF A DECLARATION OF COVENANTS FOR A WOODLAND CONSERVATION BANK**

If a declaration of covenants has been recorded on a property for a woodland conservation bank and no transfer certificates have been recorded within the woodland conservation bank, a release of the declaration of covenants may be requested by the owner or agent through the Environmental Planning Section using standard template documents. The request for release is forwarded to the Office of Law for review and, if found legally sufficient, is returned to the applicant for recordation. A copy of the recorded release should then be provided the Environmental Planning Section. A copy of the release is placed in the TCP2 file of the woodland conservation bank. The woodland conservation bank is then removed from the listing of sites available from woodland conservation transfer credits.

### **7.3.1I RELEASE OF RECORDED OFF-SITE WOODLAND CONSERVATION DOCUMENTS**

In some circumstances, recorded transfer certificates or individual easements may become unnecessary due to changes in the proposed development or to allow for development of an established woodland conservation bank for another use. In these cases, the woodland conservation coordinator in the Environmental Planning Section should be consulted to determine if the release of the legal encumbrances is appropriate based on previous approvals and to determine the necessary steps.

The first step in the release of an easement is a determination that the off-site woodland conservation is no longer needed for a specific project or that moving the woodland conservation requirement to an alternative location is appropriate. Because the intention of woodland conservation banking is to provide perpetual woodlands, the relocation of woodland conservation requirements is reviewed closely for conformance to previous approvals. When woodland banks are moved from one site to another, the two-to-one mitigation ratio for preserved areas is applied to the acreage being moved.

## **7.3.2 Forest Management/Timber Harvesting Plans**

Forest management and timber harvesting address the removal of trees from woodlands to be used as a resource either for personal use or for sale. Subtitle 25, Section 25-124 describes what types of activities require a permit or a forest management plan. TCP2s for timber harvesting must show all relevant information—such as access to the site from an approved entrance and clearing required for staging areas—and the total limits of the area to be harvested. The plan must also describe the harvesting procedures, goals, and target species.

## **7.3.3 Linear and Government Projects**

TCP2s for linear projects are not required to include the entirety of the affected lots or parcels and can be prepared showing the limit of disturbance and a minimum of 100 feet outside the limit of disturbance. One acre replacement for each acre disturbed is required. Notes and details shall be provided as needed to address the proposed project.

## **7.3.4 Single Lot Revisions**

On occasion, the homeowner of a single lot within a larger subdivision requests a revision to the TCP2. In lieu of revising the entire TCP2, or even the entire sheet, a single lot revision may be submitted. The lot must be shown at the same scale as the TCP2, and all details and symbols shall be as similar as possible to the original plan. The plan shall provide the details regarding how the requirements will be met and shall provide all necessary calculations using the appropriate worksheet provided in Appendix A. Single lot revisions lose their grandfathered status with

regard to design criteria; however, revisions will be considered on a case-by-case basis to ensure conformance to the fullest extent possible.

### **7.3.5 Remediation of Violations**

When a violation is issued by the County, a TCP2 is required to be reviewed and approved in order to resolve the violation. If the site has an existing TCP2, then the existing plan is revised. If the site does not have an approved TCP2, then a new plan must be submitted and approved. Prince George's County Planning Department staff will work with the applicant to determine the requirements for remediation.

## **7.4 REVISIONS TO TCP2s**

If a valid (unexpired) TCP2 exists for a site, it can be amended as long as conformance to the TCP1, if one exists, can still be found. Refer to Subtitle 25, Section 25-119(c) for the parameters related to conformance.

## **7.5 IMPLEMENTATION OF TCP2s**

### **7.5.1 Preconstruction**

#### **7.5.1A PRECONSTRUCTION MEETING**

A preconstruction meeting must be held subsequent to the installation of tree protection devices and prior to any site disturbance. Required parties include the developer, contractor or project manager, the on-site contractor in charge of clearing and grading work, the tree professional contracted by the developer (if applicable), and the County inspector(s). During the meeting, the LOD and limits of clearing must be field verified, protection devices inspected for proper installation, and stress reduction measures discussed. The responsibilities for compliance and the penalties for noncompliance must be discussed.

#### **7.5.1B STRESS REDUCTION**

While stress reduction measures should be outlined on the approved TCP2 plan for specimen trees to remain within close proximity to the LOD, additional stress reduction measures may be necessary for specimen trees or for other trees along the LOD based on field conditions. Such measures include, but are not limited to, root pruning, crown pruning, watering, fertilizing, and mulching. Any stress reduction measures, either outlined on the approved TCP2 or deemed necessary in the field, should be discussed during the required preconstruction meeting and may need to be outlined by the tree professional contracted by the developer.

#### **7.5.1C INSTALLATION OF PROTECTION DEVICES**

Protection measures are necessary to protect woodland preservation areas during the construction process. All tree protection devices and signs must be installed around preservation areas and specimen trees that are to remain and are within close proximity to the LOD, per the approved TCP2 plan. Tree protection devices for afforestation or reforestation areas may be installed after tree planting, if the areas are shown to be graded.

### **7.5.2 Construction**

Inspectors will perform periodic site visits during the construction phase, usually subsequent to clearing and after heavy rain events. Inspectors will give written notice to the on-site contractor regarding any problems, who will then be expected to correct the problems in a timely manner. Recommendations from the tree professional, contracted by the developer, may be deemed necessary to address concerns regarding dead, dying, or hazardous trees; issues regarding maintenance or repair of protective measures; storage of materials within preservation areas; excessive flooding or siltation in the preservation area; or issues of over-clearing.

### **7.5.3 Construction Completion**

#### **7.5.3A CORRECTIVE MEASURES**

Upon completion of construction, an inspection by the County must be requested. The inspector may require an assessment by the tree professional, contracted by the developer, to evaluate the remaining trees and to prescribe corrective measures that may be necessary due to damage or impacts from construction. Such measures may include the removal of dead, dying, or hazardous trees; pruning; fertilizing; watering; wound repair; or clean-up of preservation areas (removal of trash, etc.).

#### **7.5.3B INSPECTION AND APPROVAL**

Upon completion of construction and all prescribed corrective measures, a final inspection by the County must be requested. The inspector will verify compliance with the approved TCP2 and any corrective measures prescribed during or after construction. If any preservation areas are found to be in violation of the approved TCP2 due to negligence, a violation fee may be issued and corrective actions required. If corrective actions are required, then a certification prepared by the tree professional, contracted by the developer, will be required stating that the corrective measures have been undertaken and that the remaining trees are likely to survive.

#### **7.5.3C REMOVAL OF TEMPORARY STRUCTURES**

After completion of construction and approval by the County inspector, all temporary tree protection devices must be removed. During the removal of the devices, no additional clearing or disturbance may take place within the preservation areas except by hand and as approved by the County inspector. No burial of discarded materials or clearing for the purpose of planting grass shall be permitted. The preservation signage shall remain in place.

### **7.5.4 Postconstruction**

#### **7.5.4A INSTALLATION OF REFORESTATION**

Reforestation areas must be implemented per the approved TCP2, including the installation of all permanent protection devices, such as fencing and signage. The County inspector must be notified prior to soil preparation or initiation of any tree planting. Seedling planting is to occur from November through May only. Container stock may be planted at any time of the year when soil moisture is adequately available. No planting is to be done while the ground is frozen. Planting with larger caliper stock or containerized stock may be done at any time per a detailed maintenance schedule approved as part of the TCP2.

#### **7.5.4B MAINTENANCE OF REFORESTATION**

A four-year maintenance plan, per the approved TCP2, must be implemented by the developer. Maintenance may include measures such as watering, mowing, or hand removal of competitive vegetation or invasive species controls.

Annual survival checks must be prepared by a tree professional, contracted by the developer, and submitted to Planning Department.

#### **7.5.4C BOND RELEASE**

At the end of the four-year maintenance plan, a survival rate of 75 percent must be achieved for bond release. Failure to establish the reforestation within the prescribed time frame will result in the forfeiture of the reforestation bond and/or a violation of the approved TCP2, including the associated penalty fee, unless the County inspector approves a written extension. A bond reduction may be requested two years after the conservation methods have been completed. Refer to Section 25-122(f)(2) of the County Code for more information.



## 8.0 Reporting Requirements—Maryland Department of Natural Resources

In 2008, the Maryland Department of Natural Resources changed their reporting requirements for local jurisdictions. As part of their annual report to the state, local jurisdictions are now required to provide information with regard to the preservation and reforestation of stream buffers. Instructions for any additional calculations needed from the applicant for these areas will be included in future versions of the Technical Manual.

