



**of the Anacostia
River**

**P.O. Box 4314
Silver Spring, MD
20914-4314**

Anne Ambler
President

Jim Fary
Vice President

Suzanne Donohue
Secretary

Larry Hush
Treasurer

John Fay

James Graham

Kimberley Knox

Glenn Welch

Tiffany Wright

+++++

Edward Murtagh
Liaison, Friends of
Sligo Creek

Elaine Lamirande
Chair, Woodmoor
Green Team

www.neighborsnwb.org

**Testimony on Bill 35-12, Tree Canopy and Bill 41-12, Roadside Tree
Protection
County Council, January 17, 2013**

Good evening. I am James Graham speaking on behalf of Neighbors of the Northwest Branch. Neighbors strongly supports both Bill 35-12 and Bill 41-12, with some adjustments.

Neighbors of the Northwest Branch is a nonprofit, all-volunteer organization dedicated to restoring the health of the Northwest Branch, the longest tributary of the Anacostia River. The Northwest Branch has the luxury of a wide, wooded parkland buffer; yet its banks are deeply eroded from storm water gushing in from every storm drain, and its waters rate from “fair” to “poor” for macro-invertebrates. WSSC’s estimated billion dollar renovation of our sewer system includes over \$25 million just to relocate some of the pipes and rebury some of the manholes exposed by severe erosion in the Northwest Branch stream valley. Our waterways and our pocketbooks desperately need additional trees throughout the county intercepting rainwater, evaporating and transpiring it back into the air, and allowing it to soak into the ground. Trees are a very effective tool for complying with our MS4 Clean Water Act requirements.

Bill 35-12 complements our Forest Conservation Law by addressing tree removal and disturbance below the FCL applicability threshold. We do have some concerns: (1) Tree Canopy Conservations funds must go also to maintaining replacement trees; (2) who controls the fund needs clarification; (3) the inference that only fines, not mitigation fees, may be used to administer the program needs clarification; and (4) site visits during construction should be mandated.

Bill 41-12, in largely duplicating state law, brings enforcement to the local county level. The bill seems aimed primarily at redevelopment, infill, major yard projects, and roadside maintenance. We applaud it wholeheartedly.

However, the bill could benefit from some alteration to encourage the support of homeowners, whose cooperation is very much needed to maintain street trees on home easements.

Here are two examples:

- A homeowner, after repeated calls, gets the Department of Transportation to take down the dead street tree in front of his house, only to be left with a stump--indefinitely. If at personal expense he seeks to remove the stump to plant a tree, he must first pay for a permit—to do what the county should have done but couldn't.

- A homeowner seeks to protect her street tree with an inch of mulch so that the lawnmower doesn't nick the trunk. According to this law, she must get a permit and hire an arborist. This would also be true if she wanted to protect the tree from gypsy moths with a burlap wrap, as we were asked to do several years ago.

So, to accommodate these responsible property owners, we first suggest that stump removal be exempted and that in the definition of "tree work" in this bill, language be added allowing for "reasonable care by the property owner" without the necessity of a permit.

Secondly, we recommend that, if a separate fund must be created for 41-12, its use be as clearly spelled out as that of the Tree Canopy Conservation Fund. Again, these funds should be used for maintaining trees as well as for planting them.

Finally, it is critical that all funds collected through these bills be strictly dedicated to increasing a healthy tree canopy, that is, not available for plugging other holes in the budget. This, we believe, will go a long way in encouraging public acceptance and cooperation.

Thank you for the opportunity to comment.

James Graham
Neighbors of the Northwest Branch
307 Lexington Drive