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July, 8, 2025

The Honorable Kathleen Stewart, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Subject: Written Testimony on Bill 18-25, Forest Conservation - Trees

Dear Council President Stewart,

The Montgomery County Farm Bureau (MCFB) hereby submits our written testimony on Bill 18-25 and respectfully requests our communication be entered into the public record. MCFB is opposed to the bill in its current form.

MCFB is told that this Bill is needed to align the county with current state law, Bill 0526, including:

- removing the afforestation requirements for solar photovoltaic facilities
- adding four new categories to the priorities of forest retention
- reinstating forest mitigation banks that protect existing forest, and stipulate that purchasing credits from these banks can only account for 50% of requirements in this chapter

MCFB concern is that on line 38 and 39 of Bill 18-25 it appears that the definition of a tree is changed as follows.

38 Tree means a large, woody plant having one or several self-supporting stems or trunks Measuring at least one inch in caliper and numerous branches that reach a height of at least 20 feet at maturity.

SB0526 did not amend this definition.
Current State law is:

1. Tree means a large, woody plant having 1 or several self-supporting stems or trunks and numerous branches that reach a height of at least 20 feet at maturity.
2. Whip means an unbranched woody plant greater than 24 inches in height and having a diameter of less than 1 inch in caliper measured at 2 inches above the root collar.
3. Forest means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes:
 - a. Areas that have at least 100 trees per acre with at least 50% of those trees having a 2 inch or greater diameter at 4.5 feet above the ground; and
 - b. Forest areas that have been cut but not cleared.

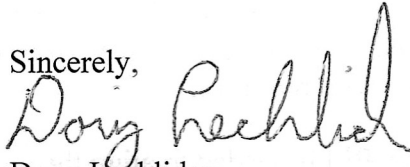
c. Forest does not include orchards.

No part of this definition refers to a tree as a 1 inch.

MCFB is concerned that with this very restrictive redefinition of a tree, farmers would be hindered in their normal maintenance of fencerows and natural waterways. Some species of trees, Tree of Heaven, can grow 8 to 10 feet in its first year.

For these reasons MCFB agrees with The Montgomery Soil Conservation District testimony on Bill 18-25. MCFB would suggest that if this bill is to move forward the MSCD amendment should be a part of Bill 18-25.

Thank you for considering our suggestions. MCFB is available to participate in work sessions as this bill moves forward.

Sincerely,

Doug Lechliden
MCFB Legislative Chair