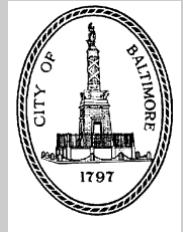


<b>F R O M</b>	Name & Title	Reginald Moore Executive Director <i>Reginald Moore</i>	<b>CITY OF BALTIMORE</b>  <b>MEMO</b>	
	Agency Name & Address	Baltimore City Department of Recreation & Parks 3001 East Drive, Baltimore, Maryland (MD) 21217		
	Subject :	City Council Bill 23-0465 Tree Removal on Baltimore City Property		

**DATE:** January 16, 2024

**TO:** The Honorable City Council President Nick Mosby  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street  
Baltimore, MD 21202

I am herein reporting on City Council 23-0465 introduced by Councilman Mark Conway. An investigative hearing has been requested on January 24, 2024 to discuss the City establishing certain standards and requirements for authorized tree removal for trees on land under the purview of Baltimore City Recreation & Parks (BCRP).

This legislation was developed collaboratively with Councilman Conway, the Baltimore City Forestry Board (part of the MD statewide system), City agencies including the Department of Planning, and the Department of Public Works, and various partner organizations dedicated to the preservation and expansion of Baltimore's rich tree canopy. Attached to this memorandum is a summation of what is contained in the legislation.

BCRP will be on hand to participate in the hearing and will be available to answer any information the Committee may have.

If you have any questions, please contact Jenny Morgan at [jmorgan@baltimorecity.gov](mailto:jmorgan@baltimorecity.gov).

## **Tree Removal Mitigation Bill Summary**

### **Introduction**

The Baltimore City Department of Recreation and Parks (BCRP) Forestry Division has jurisdiction over, and maintenance responsibility for, the trees within the City's street rights-of-way and on City parkland [park property]. The Forestry Division is the primary agency responsible for the City's goal to increase our tree canopy to 40%.

### **What is the current Tree Removal Mitigation Policy?**

Each year, for various reasons, trees are removed from public streets and parkland and those removals are required to be mitigated for by either replacing the tree(s) or paying a fee-in-lieu amount. Aligned with implementing our 40% tree canopy goal, for or almost two decades, BCRP has administered a policy of inch for inch replacement for trees removed, both in the rights-of-way and parkland. When development activities result in more caliper inches removed than can be replaced on site, BCRP accepts a fee-in-lieu or oversees offsite plantings. Funds accepted as fee-in-lieu are used to increase the City tree canopy – to purchase, plant, and maintain trees, as well as for forest management efforts. This policy is also aligned with the goals of the Forest Conservation Act (FCA) and builds upon the FCA by protecting individual trees that would not otherwise be protected.

### **Why do we need this bill?**

This bill will codify the mitigation requirements for tree removal in the rights of way and on parkland – exactly as they are practiced today. The current code gives jurisdiction over said trees to BCRP Forestry, and says replacement may be required, however, it does not specify any details on replacement. The current code also allows for fines to be administered when trees are removed without a permit or approval.

Adopting this code aligns with implementing the Sustainability Plan's intent to "develop and implement policy to manage parks after construction projects (making sure trees impacted are replaced/mitigated)"; goal to "classify trees and forests as public infrastructure (require the same level of consideration for trees as is currently given to infrastructure such as streets and utility lines)"; and, lastly, achieves the goal to "Adopt a Tree Ordinance."

Adding the mitigation requirement to the code will make permanent the agency's long-standing policy of tree replacement. Additionally, it aligns the City's code with the State's Roadside Tree Permit, which requires replacement.

If this code is not adopted all mitigation fees that have been applied on public lands are vulnerable to challenge in a court of law. For example, the fees paid by BGE to replace several hundred trees removed for a new pipeline could be up for debate in a legal forum.

### **Bill Specifics:**

- Requires inch for-inch replacement for the removal of street trees (in street rights-of-way)
- Requires inch for-inch replacement for the removal of park trees eight inches and above in diameter.
- Accepts fee-in-lieu payment when in-kind replacement is not an option.

- Determines location for where fee-in-lieu funds are deposited and how they are spent.