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## Preservation, Regulations, and Policy to Protect and Grow Baltimore's Forests

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## Preservation, Regulations, and Policy to Protect and Grow Baltimore's Forests

Organizations and city agencies in Baltimore, MD are working together to better protect forests and trees through a combination of preservation efforts, policies, and regulations. Non-profit Baltimore Green Space (BGS), Baltimore's Department of Recreation and Parks (BCRP), and Baltimore's Office of Sustainability (BOS) have played major roles in this work. To further advance these efforts, a process is underway to propose new regulations that would better protect and mitigate impacts of development on trees and forested natural areas.

### Keywords

urban land preservation, urban forestry, urban natural areas, forest patch

## **INTRODUCTION**

Organizations and city agencies in Baltimore, MD are working together to better protect forests and trees through a combination of preservation efforts, policies, and regulations. Non-profit Baltimore Green Space (BGS), Baltimore's Department of Recreation and Parks (BCRP), and Baltimore's Office of Sustainability (BOS) have played major roles in this work. To further advance these efforts, a process is underway to propose new regulations that would better protect and mitigate impacts of development on trees and forested natural areas.

## **CONTEXT**

Baltimore has a goal of reaching 40% tree canopy by 2037. Baltimore's current tree canopy is at 28%, an increase of 1% (approximately 2000 acres) since 2007, according to data analyzed by the US Forest Service in collaboration with the University of Vermont and BCRP's Forestry Division. BGS's report, "Baltimore's Forest Patches" (Avins, 2013), determined that forest patches of at least 10,000 square feet make up 34% of Baltimore's tree canopy, with 20% of Baltimore's tree canopy in forest patches outside parks.

Baltimore's urban forest is vulnerable to development and infrastructure projects. This is particularly true for development projects small enough to avoid triggering any review or mitigation requirements, and for large scale projects where—even with the required mitigation—the impacted natural areas may take decades to fully recover. Current city forest conservation regulations only apply to projects that disturb at least 20,000 square feet, while city policy requires approval and mitigation for impacts to trees 8" and above within public parks. Currently only approximately 300 acres of forests on private land are permanently protected through land trusts or forest conservation easements.

## Tree Canopy Change 2007 - 2015



Figure 1. Tree canopy change in Baltimore between 2007 and 2015. Map by: Victor Miranda, Baltimore City Urban Forestry Division; 2015.

## GOAL

The [2019 Baltimore Sustainability Plan](#) and the [Baltimore Green Space report](#) outline a number of actions to increase management and to protect the urban forest. The recommendations related to preservation, regulation, and policy include

- Amend policies and regulations to better protect forested natural areas and specimen trees on public and private land.
- Create incentives for stewardship and preservation of forests and apply higher standards for monitoring and maintenance of forest conservation easements.

- Investigate the creation of a forest banking credit program and continue to promote preservation through land trusts and permanent easements.
- Incorporate BCRP's environmental protection policies regarding horizontal directional drilling operations and natural area disturbances from construction activity.

These recommendations were integrated into the goals of the tree ordinance committee currently working to propose updates to forest conservation regulations and a new ordinance for individual trees.

## **APPROACH**

In the fall/winter of 2018, the Baltimore City Forestry Board coordinated with BGS staff to research tree ordinances in cities similar to Baltimore and to explore model ordinances nationally. Shortly thereafter, BOS and BGS began coordinating a tree ordinance committee composed of major local stakeholders, including Blue Water Baltimore, TreeBaltimore, Baltimore Tree Trust, the Baltimore City Forestry Board, and the USDA Forest Service. This committee collaboratively determined a set of top goals. In addition, BOS staff conducted a survey of existing state and local regulations which resulted in an insightful gap assessment. This was a pivotal assessment that gave a clear direction for practical ways to move forward. BGS and BOS also found a need to investigate local county ordinances to assess where Baltimore fit into the regional picture.

The background research resulted in a clear set of regulation changes that stakeholders agree are important, including changes to forest conservation regulations, including adjusting the triggers for forest conservation, and implementing protections for trees on private property. The committee is now in the process of drafting formal language for the ordinance.

Maryland has an exemplary law called the Forest Conservation Act that establishes minimum requirements for protections on forested land. Due to Baltimore's unique context within the state, and as a city with denser development patterns and limited forested land, the city's Forest Conservation regulations are in some cases stricter than state law. While the committee believes that city law should be more stringent, other states are altogether without regulations comparable to Maryland's Forest Conservation Act. Additionally, the Baltimore City Forestry Division's city-wide street tree inventory and Forest Management Plan, along with GIS analysis conducted by BGS, with the help of BOS and University of Maryland-Baltimore County, provided a unique and more complete understanding of the city's tree canopy as well as what might be needed to protect it.

The tree ordinance committee is unsure if Baltimore's current political climate, with local 2020 elections around the corner, will allow the City to institute stricter protections for trees on privately owned —although several surrounding counties and cities have recently strengthened their local forest conservation regulations.



Image 1: A snippet of the 700 mature trees removed and recycled as part of the 2018 Granite Pipeline project through Gwynns Falls Leakin Park, Baltimore City, MD. Photo credit: Sarah Lord, 2018.

## RESOURCES

The work of BCRP and BOS staff is primarily funded through the City budget with support from local and federal grants. BGS is a non-profit organization with a small budget and high demand supported by local foundations, federal funding, and individual donations. In addition to these three organizations, representatives from several other non-profits; a local university; and city, state, and federal agencies have also contributed their time and knowledge to advancing these efforts.

## KEY RESULTS

Although the proposed regulation changes are in the early stages, two early responses have stemmed from the group's coordination with City leaders and City agencies:

- Baltimore City Councilwoman Mary Pat Clark included an amendment to a bill introduced to City Council that would expand the review of impacts to trees eight inches and above to all

properties in Open Space (OS) zones—codifying the BCRP policy for parks and expanding the policy to include cemeteries, community-managed open spaces, and other Open Space zoned private properties. The passing of this bill would be a step towards a City-wide tree ordinance and improved protections for trees impacted by projects that do not trigger Forest Conservation reviews.

- The Baltimore City Department of Public Works agreed to incorporate recommended changes to sediment and erosion control regulations into their upcoming legislative updates, which will improve protections to existing trees and forests.

It is the hope of the committee that future results from the adoption of recommended legislative and policy changes will include the following:

- Reducing the trigger for Forest Conservation review to ensure reviews and mitigation for smaller projects.
- Improved standards and expanded resources for forest protection, reforestation, and forest maintenance.
- Permanent protection of additional acreage of forests through forest conservation easements and forest banking.