



Countywide Planning Division - Environmental
Montgomery County Planning Department
 Maryland-National Capital Park and Planning Commission

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NRI/FSD and FOREST CONSERVATION EXEMPTION SUBMISSION REQUIREMENTS

Detailed description of the submission requirements for the NRI/FSD and forest conservation exemption requests may be found in the MNCPPC *Trees Technical Manual*. The applicant, applicant's agent, or qualified professional must fill out an application form and checklist. The applicant or agent, and qualified professional must sign the application certifying that the application and checklist are complete and ready for processing. The application, checklist and supporting information must be submitted to the County-wide Planning Division – Environmental Planning Section for review and approval.

Incomplete applications will be returned to the applicant. Only complete applications will be accepted for review. The review time for an application for NRI/FSD and Forest Conservation Exemption is 30 days. The 30-day review clock will be stopped for an application that is determined to contain incorrect information. An additional 30-day review period may be required once correct information is received.

Any supplemental information submitted to the M-NCPPC Countywide Planning Division – Environmental Planning, as part of an application must be accompanied by a transmittal memo or cover sheet identifying what is being submitted and why.

If the material relates to a plan that has already been submitted, the memo or cover sheet **must refer to the M-NCPPC file number**. To expedite resubmissions Planning staff recommends creating a response document to each comment. All resubmitted plan drawings must show the revision date as part of the title information.

1. GENERAL INFORMATION (Full NRI/FSDs, Simplified NRI/FSDs and Exemptions)

A Natural Resource Inventory/Forest Stand Delineation (NRI) is a detailed summary of existing man-made and natural conditions of a site. The information included on an NRI must be field verified and include all the information listed below for the subject site, plus the first 100 feet of adjoining land around the perimeter of the property or the width of the adjoining property, whichever is less.

1.1. Complete Application Form and Checklist (1 copy)

The application form must be submitted with all required information provided on the form. The application must be signed by the applicant or applicant's agent and the person that prepared the plan and supporting information. The applicant may be either the owner of the property; the owner's appointed representative; or the contract purchaser of the property. Written verification is required for anyone other than the property owner. One copy of the submitted application form must contain an original signature.

Revisions to Applications

A revision to a pending NRI/FSD application (not yet approved by the Planning Director's designee) requires resubmission of a new plan and new application (check revision box) if it involves a change in acreage; a change in ownership; applicant or engineer. Complete the form as required for a new application submission and pay appropriate fee.

Amendments to Applications

An amendment to revise an approved NRI/FSD requires submission of a new plan and NRI/FSD application (check amendment box). Complete the application form and checklist as required for any new application submission and pay appropriate fee.

Recertification of an Expired NRI/FSD

NRI/FSDs are only valid for two years after the date they are approved. If a preliminary forest conservation plan is not approved within 2 years from the date of the NRI/FSD approval an applicant may request to have the previously approved NRI/FSD recertified. The applicant and plan preparer must attest that there are no changes to the property size and shape; existing conditions; forest acreage; tree canopy; nor has the applicant or plan preparer changed from the initial approval. Changes to site conditions, applications, plan preparer, applicant requires a new submission and application

Complete the form as required for new application submission (check recertification of expired NRI/FS) and pay appropriate fee. **NRI/FSDs can only be recertified one time and only within the first year after the expiration date.**

1.2. The Appropriate Fee and Fee Schedule Worksheet – (1 copy)

The applicant is required to calculate the application filing fees using the Fee Schedule on the worksheet. Submit the appropriate fee payment and worksheet with the application.

1.3. PDF Image of Plan Drawing – (1 copy)

The applicant must submit a floppy disk or CD containing a PDF image of the submitted NRI/FSD. The NRI/FSD plan drawings are to be named "Submitted NRI/FSD Plan".

2. REQUIRED FOR ALL NRI/FSD APPLICATIONS (Full NRI/FSDs, Simplified NRI/FSDs, Existing Condition Plans, and Exemptions)

The applicant must submit 2 copies of the submitted NRI/FSD and supporting narrative documents. **The copies must be folded "accordion" style to a maximum size of 9" x 14"**. Each sheet must be individually folded. The drawing must be folded so that the title "NRI/FSD Plan" appears in the lower right-hand corner. The information included on an NRI/FSD must include all the information listed below for the subject site, plus the first 100 feet of adjoining land around the perimeter of the property or the width of the adjoining property, whichever is less

The following information must be included on the NRI/FSD plan drawing:

2.1. Scaled Drawing with North Arrow

A scaled drawing at a scale of 1" = 100' or larger (minimum size 18" x 24", maximum size of 36" x 48") is required. If more than one sheet is necessary to show the entire property, a composite plan at a smaller scale (not less than 1" = 400') must be submitted. The sheets must be folded so that the section numbers and composite drawing are clearly visible without unfolding the drawing. All drawings must be oriented with north to the top of the page to the extent possible

2.2. Title Information

The title information includes the name of the plan, scale, north arrow, revision block to identify plan revision dates, the identity of the engineer/plan preparer (including address and telephone number) and the applicant's name. The WSSC and tax map grid numbers should be included in the title block.

2.3. Vicinity Location Map

The vicinity location map must be at a scale no smaller than 1" = 2,000' and must have a north arrow. The vicinity map should identify, for reference, the nearest major road(s) and intersections, proposed master plan roads, nearby local streets and major features such as schools, libraries, shopping centers, etc. that are located near the property

2.4. Signature of Plan Preparer

The plan drawing must contain the signature and professional seal of the Maryland Department of Natural Resources Qualified Professional, Maryland Licensed Landscape Architect, or a Maryland Licensed Forester that prepared the plan and is attesting to the source and accuracy of the information contained within the drawing. **One copy of the plan drawing submitted must include an original and dated non-black signature.**

2.5. Plan Notes

Each drawing must have plan notes that include: total tract area; current zoning; watershed that the site is located in; use class of the stream; Special Protection or Primary Management areas; floodplain source; wetland source; whether or not rare, threatened, or endangered species were observed on the property; whether or not the property is on the Locational Atlas and Index of Historic Sites; method used to measure the diameter of trees; absence or presence of State/County Champion trees; and date(s) field work was conducted.

2.6. Boundary Outline of Property

The boundary outline of the property must be clearly delineated on the drawing.

2.7. Existing roads, driveways, and buildings

Show all existing roadways, driveways, sidewalks, buildings, and man-made features on the plan drawing.

2.8. Existing Topography

The NRI/FSD drawing must show the existing topography with contour intervals no greater than 5 feet.

2.9. Watershed

The plan notes section must identify the watershed(s) for which the project is located.

2.10. Watershed Use Class

The plan notes section must identify the Maryland watershed use class.

2.11. Name and Boundaries of SPA or PMA

The plan notes section must identify if the subject site is in a Special Protection Area (SPA) or the Patuxent River Watershed Primary Management Area (PMA). If the property is in a SPA or PMA that specific area must be identified in the plan notes section. The boundaries of the SPA or PMA must be delineated on the plan.

2.12. Perennial and Intermittent Streams

The NRI/FSD drawing must show all perennial and intermittent streams on the property and within 100 feet of the subject property.

2.13. Stream/Environmental Buffers

The NRI/FSD drawing must show all stream/environmental buffers in accordance with the latest version of the *Montgomery County Guidelines for Environmental Management of Development in Montgomery County*.

2.14. Floodplains

The NRI/FSD drawing must show all floodplains as determined by the U.S. Federal Emergency Management Agency, by the Montgomery County Department of Permitting Services, or shown plated in the Land Records.

2.15. Floodplain Building Restriction Lines

The NRI/FSD drawing must show all floodplain building restriction lines.

2.16. Floodplain Source

The source of the floodplain information for a stream must be shown in the plan notes and must include the year the information was approved by FEMA, Montgomery County DPS, or on a record plat.

2.17. Soils and Soil Contours

The NRI/FSD drawing must include all soils and soil contours as shown in the *Soils Survey of Montgomery County, Maryland* (July 1995 or the latest version) published by the Natural Resources Conservation Service.

2.18. Soils Table

The NRI/FSD drawing must include a soils table that identifies characteristics of each soil found on the property. These include, but are not limited to: highly erodible; prime agriculture; hydric; serpentine, etc)

2.19. Slopes that are 25 percent and greater

The NRI/FSD drawing must show all slopes that are 25 percent and greater on the drawing.

2.20. Slopes between 15 and 25 percent on erodible soils

The NRI/FSD drawing must show all slopes between 15 and 25 percent that are on erodible soils.

2.21. Slopes 15 percent and greater in the Upper Paint Branch SPA

Only in the Upper Paint Branch Special Protection Area must all slopes 15 percent and greater be identified on the NRI/FSD drawing.

2.22. Wetlands

The NRI/FSD drawing must show all wetlands on the property or within 100 feet of the subject property.

2.23. Wetland Buffers

The NRI/FSD drawing must show all wetland buffers in accordance with the latest version of the *Montgomery County Guidelines for Environmental Management of Development in Montgomery County*.

2.24. Wetland Source

The source of the wetland information must be shown in the plan notes.

2.25. Observed Rare, Threatened, and Endangered Species

The plan notes section must include a statement as to whether or not rare, threatened and endangered (RTE) species were identified on site during the field work. If RTEs are identified on site, the plan preparer must include a statement in the notes section indicating what species were identified on site, or within the first 100 feet of the subject property and the prime habitat for that species.

2.26. Maryland DNR RTE letter

The submission must include documentation from the Maryland Department of Natural Resources as to whether or not critical habitat for RTEs were observed or documented by on the property.

2.27. Aerial extent of forest and tree cover

The NRI/FSD drawing must indicate the aerial extent of forest and tree cover on the property and within 100 feet of the property. The drawing must distinguish between forest and tree cover.

2.28. Cultural Features and Historic Sites

The plan notes section must include a statement as to whether or not the property is on the Locational Atlas and Index of Historic sites. If the property is located on the Locational Atlas the resource must be identified on the drawing.

2.29. Trees 24 inches and greater

The NRI/FSD drawing must identify, by size and species, and locate all trees that have a diameter 24 inches and greater 4.5 feet above ground (DBH).

2.30. Specimen Trees

The NRI/FSD drawing must identify all specimen trees by size and species as identified in the *Trees Technical Manual*.

2.31. Champion Trees

The NRI/FSD drawing must identify all Montgomery County Champion trees. The NRI/FSD drawing must identify all State Champion trees and all trees that have a diameter at 4.5 feet above ground that are 75 percent or more of the current state champion for that species.

If there are no County champion trees or trees that are 75 percent of the current State champion on the property there shall be a note in the plan notes section indicating no County or State champion trees are present and no trees 75 percent of the state champion are present.

2.32. Tree Diameter Measurement Tool

The plan notes section must include a statement identifying which tool was used to measure the diameter of individual trees. Acceptable measuring tools include tree calipers, a forestry diameter tap, or Biltmore stick.

2.33. Tree Table

The NRI/FSD drawing must include a table identifying each tree 24 inches and greater DBH, County champion trees, specimen trees, State Champion trees, and trees 75% of the state champion by species and the health. If the tree is not in good health there should be a note indicating why the plan preparer believes the tree is not in good health.

2.34. Legend/key

The NRI/FSD drawing must include a legend that clearly identifies all abbreviations, shapes, colors, shading, lines etc. shown on the drawing.

2.35. Resource Data Table

The NRI/FSD drawing must include a table that identifies: acreage of existing forest; acreage of existing wetlands; acreage of forest in existing wetlands; acreage of existing floodplains; acreage of forest in existing floodplains; acreage of existing stream buffers; and acreage of forest in existing stream buffers.

2.36. Date(s) Field Work Conducted

The plan notes section must identify the date(s) the field work was conducted for the preparation of the NRI/FSD or exemption from submitting a forest conservation plan.

2.37. Person(s) Conducting Field Work

The plan notes section must identify the persons that conducted the field work for each NRI/FSD.

3. REQUIRED INFORMATION FOR FULL NRI/FSDS – 2 copies

Not all submissions require a full NRI/FSD. However, development applications that do not qualify for an exemption from submitting a forest conservation plan or do not meet the criteria for submitting a Simplified NRI/FSD must include the following sections on their NRI/FSD drawing.

3.1. Delineation of Multiple Forest Stands

The NRI/FSD drawing must clearly delineate where forest stands stop and start. Each stand must be individually numbered and labeled.

3.2. Priority Ranking for Each Forest Stand

The NRI/FSD drawing must identify the priority of each forest stand for forest retention. The drawing narrative must indicate how this determination was made. There shall be only one priority ranking per stand.

3.3. Determination of Each Forest Stand

The NRI/FSD drawing must include a description on how the forests were placed into separate stands.

3.4. Forest Stand Description

The NRI/FSD drawing must include narrative or table for each forest stand describing: acreage; dominant or co-dominant species; size class of species; percent canopy closure; number of canopy layers; percent floor covered by herbaceous plants, downed woody material, alien or invasive species; information on condition classes, structure, function, retention potential, transplant and regenerative potential; and comments on evidence of past management.

3.5. Field Sampling/Reference Points

The NRI/FSD drawing must indicate the field reference points used to determine a forest stand description. Review staff should be able to easily find the field reference points in the field and duplicate the information submitted in the forest stand description.

4. EXEMPTIONS REQUESTS – 1 copy

4.1. Narrative Statement

A request for an exemption from submitting a forest conservation plan requires a narrative explaining why the applicant believes that their project is exempt from submitting a forest conservation plan. The narrative must identify the nature of work to be performed; the exemption for which they believe they qualify; the amount of forest to be removed (as measured in canopy coverage); whether or not any forest in a stream buffer will be impacted; whether or not the proposed development is subject to a Special Protection Area water quality plan; indicate whether or not the project requires approval from the Planning Board.

4.2. Exemption Requested

The applicant must identify which exemption they are applying for in section 3.a. of the application. The exemptions are identified in Chapter 22A-5 of the Montgomery County code.

4.3. Amount of Forest to be Removed

The applicant must identify how much forest is proposed for removal with the development plan in section 3.d of the application. Forest is measured by the extent of canopy coverage.

4.4. Amount of Forest to be Removed in Stream Buffer

The applicant must identify if any forest is proposed for removal within a stream buffer for any reason in section 3.f. of the application.

4.5. SPA Water Quality Plan Requirements

The applicant must identify if the proposed project is subject to a Special Protection Area Water Quality Plan in section 3.g. of the application. If the applicant is unsure if a water quality plan is required please contact the Montgomery County Department of Permitting Services Water Resources section to assist in this determination.

4.6. Declaration of Intent

The forest conservation law requires that an applicant submit a Declaration of Intent for certain exemptions. If the application is for one of the following exemptions: single lot, agriculture; or a real estate transfer a declaration of intent must be submitted by the applicant. The Declaration of Intent must be signed by the applicant or property owner and notarized. The applicant should carefully read the DOI and full understand what they are committing to do and for how long.

5. EXISTING CONDITIONS PLAN DRAWING – 2 copies

An Existing Conditions Plan may be submitted with certain forest conservation plan exemption requests. **The Trees Technical Manual should be consulted for appropriate instances. An applicant must submit a written request to the Forest Conservation Program Manager for approval prior to submitting an existing conditions plan in support of an exemption from submitting a forest conservation plan.** The written request must indicate why the applicant believes that their project should not be required to submit either a full NRI/FSD or a simplified NRI. The written request must also include the nature of work to be conducted. Applicants that are allowed to submit an existing conditions plan must include a copy of the correspondence approving the submission of an existing conditions plan, an application, fee and fee schedule, plan, and a signed and notarized Declaration of Intent.

In general, the Existing Conditions Plan includes the following components for the subject site:

- Scaled drawing with north arrow
- Title information
- Vicinity location map
- Boundary outline of property
- Topography
- Natural features including streams, forests, etc.
- Existing and proposed improvements
- Existing and proposed lot lines
- Proposed limits of disturbance
- Note containing acreage of forest to be cleared
- Photographs of the existing conditions
- Signature, date, and professional seal of plan preparer.

6. A TREE SAVE PLAN, if applicable – 2 copies

Per section 22A-6(b) of the forest conservation law, an activity or development which would be exempt from forest conservation requirements, but involves clearing of specimen or champion trees, is required to obtain approval of a tree save plan. Tree save plans are also required to establish limits of disturbance on forested properties for which exemptions are being requested and minimum forest clearing requirements apply.

Tree save plans include the following components:

- Scaled drawing showing: proposed limits of disturbance; the existing forest boundary; and proposed forest clearing boundaries (this information may be incorporated into the NRI/FSD plan drawing)
- Location of individual specimen or champion trees (see *Trees Technical Manual* for size criteria) within 50' on either side of the proposed limits of disturbance
- Species, size and condition of each specimen or champion tree
- Tree protection fencing, including specifications, along the forest clearing boundaries and around individual trees to be saved (at a minimum, fencing should be located at the outside edge of the tree canopy for trees to be saved; actual location of fencing is determined with the MNCPPC Inspector at the pre-construction meeting).
- Specific tree protection measures (i.e., retaining walls, tree wells, aeration systems, root pruning, etc.), as necessary, for individual specimen or champion trees.

NOTE: Where specimen or champion trees are required to be preserved, MNCPPC staff may request surveyed location of the trees, and recommendations for tree protection measures from a certified arborist.

7. GUIDANCE FOR NRI/FSD SUBMITTAL FOR MINOR SUBDIVISION APPLICATIONS

The following section is for **guidance purposes only** and is for minor subdivision applications. Some proposals under the minor subdivision process may require additional forest conservation requirements as determined by staff after the application has been submitted, or when a subsequent plan is submitted to Montgomery County for a sediment control permit.

- Minor Lot Line Adjustment – No NRI/FSD plan or exemption required with plat submission.
- Conversion of outlot into a lot – No NRI/FSD plan or exemption required with plat submission.
- Consolidation of lots or parts of lots – No NRI/FSD plan or exemption required with plat submission.
- Voluntary plat for pre-1958 parcel – No NRI/FSD plan or exemption required with plat submission.
- Plat of Correction - The submission of an Approved FCP is only required when there is a change (correction) or addition to a Forest Conservation Easement shown on a prior plat.
- Adjustment to mortgage/lease line – No NRI/FSD plan or exemption required with plat submission but if an approved FCP (or Exemption) must be submitted if there is an existing Approved FCP (exemption).
- Plat for existing place of worship – An NRI/FSD and forest conservation plan, or an exemption from submitting a forest conservation plan is required for all submissions.
- Residential lots in the RDT zone – An NRI/FSD and forest conservation plan, or an exemption from submitting a forest conservation plan is required for all submissions.