

February 2, 2024

Maryland National Capital Park and Planning Commission
Development Review Division
Environmental Planning
Attn: Mary Rea
1616 McCormick Drive
Largo, MD 20774

**Re: Brightseat Tech Park
Tree Conservation Plan – TCP1-002-2024
Statement of Justification for Woodland Requirements Not Met On-site**

Dear Mary Rey:

On behalf of the applicant, Brightseat Associates, LLC, we are submitting this Statement of Justification for not meeting the woodland conservation requirement on-site. This justification accompanies the submission of Tree Conservation Plan I (TCP1-002-2024) and the Preliminary Plan of Subdivision (4-23024). The TCP1 proposes to meet the woodland conservation requirements through a combination of on-site woodland preservation and purchase of 1.11 acres off-site tree credits from an approved woodland bank. All woodland conservation methods, per Section 25-122(c) of the Prince George's County Code of Ordinances were evaluated and explanations on each as to whether they are applicable or feasible are provided below.

(A) On-site preservation of connected woodland and wildlife habitat areas using woodlands in good condition with limited amounts of invasive or exotic plants.

An on-site area of +/- 2.46 acres will be preserved throughout the site, with woodland preservation areas located on the northern side of the subject property on either side of Evarts Street. However, the gross area of woodlands credited for preservation is largely inhibited due to several conditions related to engineering necessity, the presence of numerous existing utility easements, and the conformance with the County Master Plan of Transportation.

In order to demonstrate compliance with subdivision regulations, a 10-foot PUE must be provided along the west side of the property boundary adjacent to Brightseat Road. The provision of this PUE diminishes the potential width of WPA 2, which creates a hardship for the applicant to provide the necessary amount of woodland preservation in that area.

The applicant faces a unique hardship on this property due to the presence of a 60" WSSC water main and its accompanying easement. This easement occupies +/- 1.9 acres of the site, straddling the entire eastern boundary of the site in an area that would have otherwise been ideal for woodland conservation purposes. An additional 42" WSSC water line is located on the

southwestern portion of the site, which further inhibits the amount of available area for woodland conservation.

Stormwater Management Pond #1 also limits the amount of available space for woodland conservation on the site. The pond must be a MD-378 facility which prohibits a wooded embankment area.

The applicant has elected to pursue the legal reservation process for reserving the following master-planned roadways located on the subject property: MC-419 and MC-420. As such, woodland areas located within the master-planned rights-of-way cannot be utilized for existing woodland preservation purposes which significantly increases the total woodland conservation requirement.

Parcel A, located north of Evarts Street is not planned for development and is proposed to remain as an open space parcel to be utilized for the preservation of woodlands to the greatest extent possible. However, areas within this section of the site are encumbered by invasive species which are now proposed for removal and replanting.

(B) On-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas.

The proposed preliminary plan does not propose any planting material from relocated plant stock. While this option was explored, no suitable candidates for transplantation were found.

(C) On-site afforestation/reforestation of connected planting areas using native whip and seedling stock.

The proposed preliminary plan will utilize native whip and seedling stock. The area and species of native plantings will be determined at time of permit site plan and TCP2.

(D) On-site specimen, champion, and historic trees in good condition when the plan has been designed to ensure long-term survival.

Approved NRI-002-10 does not identify the presence of specimen, champion, and /or historic trees in good condition.

(E) On-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long-term management.

The on-site regeneration areas located on the subject property do not contain sufficient seed sources for long-term sustainability and are encumbered by various non-native plant material. Per the recommendation of MNCPPC Environmental Section, the applicant has elected to remove non-native plant material in these areas and replant with more suitable native species. The species and

planting techniques shall be in accordance with County environmental requirements and will be determined at time of permit site plan and TCP2.

(F) Off-site afforestation/reforestation of connected planting areas using transplanted native stock, relocated from the site or surrounding areas, in an approved woodland conservation bank.

Off-site afforestation/reforestation using on-site native stock will be pursued for +/- 1.11 acres in an approved woodland conservation bank. However, no trees evaluated during the site's environmental studies were determined to be suitable for transplantation.

(G) Off-site afforestation/reforestation of connected planting areas using native whip and seedling stock in an approved woodland conservation bank.

Off-site afforestation/reforestation will be pursued for +/- 1.11 acres in an approved woodland conservation bank. At the time of permit site plan and TCP2 preparation, once all on-site priorities for woodland conservation methods have been exhausted, the remaining requirement will be met through the purchase of an off-site woodland conservation bank credits from an approved bank. The species of native plantings will be determined at time of permit site plan and TCP2.

(H) Off-site preservation of connected woodlands in an approved woodland conservation bank.

At the time of permit site plan and TCP2 preparation, once all on-site priorities for woodland conservation methods have been exhausted, the remaining requirement will be met through the purchase of an off-site woodland conservation bank credits from an approved bank.

(I) On or off-site habitat enhancement projects of connected areas of existing woodlands that result in improved wildlife habitat and forest vigor through the removal of invasive or exotic plant species and/or planting of native plant species.

Off-site habitat enhancement will not be pursued due to the lack of available area(s).

(J) Off-site natural regeneration of connected areas in appropriate locations containing sufficient seed sources with appropriate protection mechanisms and long-term management in an approved woodland conservation bank.

Off-site natural regeneration will not be pursued due to the lack of available area(s).

(K) On-site landscaping using native species of field grown nursery stock that establish landscaped areas a minimum of 35 feet wide and 5,000 square feet in area. At least 50 percent of the plants in the landscaped area must be trees.

The use of landscape credits is not recommended for this site, as advised by the MNCPPC Environmental Section.

- (L) Street trees on or adjacent to the site when located in the following areas as designated by the Prince George's County General Plan: Transportation Service Area 1, Regional Transit Districts, or Local Centers; or in conformance with a municipality's street tree planting plan or program, where the trees have been provided sufficient root zone space to ensure long-term survival and sufficient crown space is provided that is not limited by overhead utility lines that are existing or proposed.**

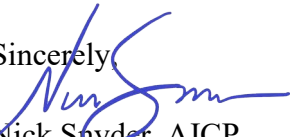
The applicability of street tree credits will be evaluated at the time of permit site plan and TCP2 preparation.

- (M) Fee-in-lieu may be used to meet the requirements of this Division, when all other options have been exhausted, as determined by the Planning Director or designee. Refer to Section 25-122(d)(8) for criteria relating to the use of fee-in-lieu.**

While a fee-in-lieu payment is not proposed at this time, the applicant acknowledges that they retain this option once all others have been exhausted. In the event of a fee-in-lieu scenario, Sec. 25-122(d)(8) will be referred to for the applicable criteria.

The evaluation of the conservation methods considered the size of the subject parcel, required road network and infrastructure to serve the proposed development, and viability to consider/utilize the most appropriate priority methods to meet the woodland conservation requirement. The proposed combination of on-site woodland preservation and the purchase of off-site woodland banking credits are the appropriate methods to satisfy the requirements of Section 25-122(c) of the County Code.

Thank you for your consideration of this justification and the supporting information presented. Please free to contact me at 301-364-1862 if you have any questions.

Sincerely,

Nick Snyder, AICP
Project Manager
Dewberry Engineers Inc