

# HOUSE BILL REPORT

## E2SHB 1216

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### As Amended by the Senate

**Title:** An act relating to urban and community forestry.

**Brief Description:** Concerning urban and community forestry.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel; by request of Department of Natural Resources).

#### **Brief History:**

##### **Committee Activity:**

Rural Development, Agriculture & Natural Resources: 1/26/21, 2/3/21 [DPS];  
Appropriations: 2/16/21, 2/17/21 [DP2S(w/o sub RDAN)].

##### **Floor Activity:**

Passed House: 3/1/21, 72-25.  
Senate Amended.  
Passed Senate: 4/9/21, 45-3.

#### **Brief Summary of Engrossed Second Substitute Bill**

- Changes the name of the Community and Urban Forestry Program administered by the Department of Natural Resources (DNR) to the Urban and Community Forestry Program.
- Directs the DNR to conduct analyses of the needs and opportunities related to urban forestry in Washington.
- Directs the DNR to provide technical assistance and capacity building resources and opportunities in order to promote urban and community forestry.

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### HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Fitzgibbon, Kloba, Lekanoff, Morgan, Ramos and Springer.

**Minority Report:** Do not pass. Signed by 6 members: Representatives Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker, Kretz, Orcutt and Schmick.

**Minority Report:** Without recommendation. Signed by 1 member: Representative McEntire.

**Staff:** Rebecca Lewis (786-7339).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture & Natural Resources. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Johnson, J., Lekanoff, Pollet, Ryu, Senn, Springer, Stonier, Sullivan and Tharinger.

**Minority Report:** Do not pass. Signed by 14 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Dye, Harris, Hoff, Jacobsen, Rude, Schmick and Steele.

**Staff:** Dan Jones (786-7118).

### **Background:**

#### Community and Urban Forestry.

The Department of Natural Resources (DNR) has authority to establish a Community and Urban Forestry Program (Program). Community and urban forests are identified as land within human settlements that does, or could, support trees. The Program may include assistance to local governments to encourage proper tree maintenance, policy and program coordination assistance, and the provision of surplus equipment to local governments to aid urban forestry programs.

As a part of the Program, the DNR may enter into agreements with nonprofit tree planting organizations and other entities with interests related to urban forestry. Funding can be received by the DNR from the federal government or by gifts and grants, and the DNR may charge fees for workshops and material distribution. Once received, the DNR utilizes the

funding for the purposes of promoting urban and community forestry in the state.

Statewide Inventory of Community and Urban Forests.

In 2008 the Legislature directed the DNR to conduct a statewide inventory of community and urban forests, to conduct an urban forest assessment, and to develop an implementation plan for the inventory and assessment of community and urban forests. The initial assessment and inventory was required to be completed by no later than June 1, 2010.

Evergreen Communities Recognition Program.

Every city and county in the state has the discretionary authority to pursue recognition as an Evergreen Community. There can be multiple gradations of Evergreen Communities, and the Department of Commerce is responsible for identifying the criteria necessary for each gradation. Criteria for becoming an Evergreen Community includes developing a community forestry program, recognizing Arbor Day, and completing a forest inventory. The application process for becoming an Evergreen Community is managed through the existing DNR Tree City, U.S.A. Recognition Program.

**Summary of Engrossed Second Substitute Bill:**

Urban and Community Forestry Program.

The name of the program administered by the Department of Natural Resources (DNR) is changed from the "Community and Urban Forestry Program" to the "Urban and Community Forestry Program." In addition to cities and counties, the DNR may assist federally recognized tribes in establishing and maintaining programs in urban and community forestry. The purposes of the Urban and Community Forestry Program are expanded to include improved human health and the recovery of salmon and orcas. Lands that are designated as natural area preserves or natural resources conservation areas, or are subject to the Forest Practices Act, timber and forestland taxes, or open space, agricultural, and timberlands taxes, are not included as urban or community forest lands. An owner of private property may opt out of a program in urban and community forestry by providing written or electronic notice to the city, county, or federally recognized tribe that established the program.

Several definitions are either modified or added to the Urban and Community Forestry Program law, including "highly impacted community," "urban and community forest," and "vulnerable populations."

Urban Forestry.

*Prioritization.*

The DNR must identify priority regions for the implementation of urban forestry programs. Priority must be determined through the use and review of certain analyses and tools. These tools include:

- health disparity mapping tools that identify highly impacted communities such as the Department of Health's Washington tracking network; and
- salmon and orca recovery data including, but not limited to, the Puget Sound Partnership action agenda and other regional and statewide salmon and orca recovery plans and efforts, to target program delivery in areas where there are significant opportunities related to salmon and orca habitat and health.

#### *Analysis of Needs and Opportunities.*

The DNR must conduct analyses of the needs and opportunities related to urban forestry in Washington by assessing tree canopy cover and urban forestry inventory data. The DNR must also conduct a statewide inventory of urban and community forests using urban forest inventory and assessment protocols established by the United States Forest Service to produce statistically relevant estimates of the quantity, health, composition, and benefits of urban trees and forests. Inventory data must be maintained and periodically updated.

#### *Technical Assistance.*

The DNR must provide technical assistance and capacity building resources and opportunities to cities, counties, federally recognized tribes, and other public and private entities in the development and coordination of policies, programs, and activities for the promotion of urban and community forestry. The DNR must strive to enable urban forest managers to access carbon markets by working to ensure tools developed under this section are compatible with existing and developing urban forest carbon market reporting protocols.

#### *Management Plans.*

The DNR may use existing tools to assist communities to develop urban forestry management plans. Management plans may include, among other elements:

- maximizing vegetated stormwater management with trees and other vegetation that reduces runoff, increases soil infiltration, and reduces stormwater pollution;
- environmental health goals specific to air quality, habitat for wildlife, and energy conservation;
- integrating disease and pest management; and
- maximizing building heating and cooling energy efficiency through appropriate siting of trees for summer shading, passive solar heating in winter, and for wind breaks.

#### *Ordinances.*

The DNR may use existing tools to assist communities to develop urban forestry

ordinances. Ordinances may address elements including:

- tree canopy cover, density, and spacing;
- appropriate tree siting and maintenance for vegetation management practices and programs to prevent vegetation from interfering with or damaging utilities and public facilities;
- tree and vegetation buffers for riparian areas, critical areas, transportation and utility corridors, and commercial and residential areas; and
- variances to avoid conflicts with renewable solar energy infrastructure, passive solar building design, and locally grown produce.

The DNR must encourage communities to include participation and input by vulnerable populations through community organizations and members of the public for urban and community forestry plans in the regions where they are based.

Evergreen Communities.

Statutes governing the Evergreen Communities Program are moved from Title 35, governing cities, to Title 76, governing the DNR.

Miscellaneous references in the Revised Code of Washington to "Evergreen Communities" are changed to references to "urban forestry."

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment maintains all provisions of the engrossed second substitute House bill and specifies that a private property owner may opt out of a voluntary urban and community forestry program established by a city, county, or federally recognized tribe under the Urban and Community Forest Program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (Rural Development, Agriculture & Natural Resources):**

(In support) This bill was introduced last year and did not quite get there. It would allow the Department of Natural Resources (DNR) to give cities a helping hand in managing existing forests or developing new forests. Creating greener neighborhoods will help advance environmental justice. As cities grow, healthy tree canopies will help address pollution and climate change impacts by sequestering carbon. This bill will help revitalize current urban forestry programs. The Nature Conservancy appreciates the intentional

approach. Community and urban forestry programs have not been funded for over a decade. The Governor has included funding in his proposed budget. The state has experienced a net loss of 36 million trees per year for reasons ranging from climate change to insect loss, to development. Trees are an important component of human health, not simply an amenity. While it does cost money to plant and maintain trees, there is a return on the investment. Trees planted in cities help shade buildings resulting in energy conservation and reduction of temperatures to mitigate heat island effects. The original legislation created an Evergreen Community designation to encourage cities and counties to plant trees. Due to the 2008 recession the Evergreen Communities Program was never funded so there was no opportunity to assess its results. This proposal will revitalize and fund the Evergreen Communities Program. Cities have limited resources and appreciate the assistance and coordination included in the bill. Even though the trees are planted as a part of urban and community forestry programs, there are deferred costs in the form of less physical and mental health care costs as well as less environmental costs. There is a balance between urban growth and forest management. This bill provides tools to cities to help manage forests. It would not elevate lower priority forest projects over higher priority projects.

(Opposed) None.

(Other) This is a very good idea, but there are concerns about the DNR's ability to provide technical assistance to cities and counties for urban forestry when the DNR is unable to provide technical assistance to small forest landowners as required under the Forest and Fish Law. According to the results of a small forest landowner study required by the Legislature in 2019 and released this month, there are over 200,000 small forest landowners in line for technical assistance. It is important that this requirement can be fulfilled by the DNR before adding new technical assistance programs for cities.

#### **Staff Summary of Public Testimony (Appropriations):**

(In support) Maintaining healthy forests and trees is important to ensuring a clean environment, and cities, counties, and tribes do not have the resources to adequately maintain urban and community forests on their own. This bill would expand the current program and will help the state meet environmental goals and reduce racial inequity. Funding for a statewide forest inventory is included in the bill, and the bill requires that at least 50 percent of urban and community forest resources are directed to benefit vulnerable populations. Washington residents pay indirectly for adverse environmental impact such as polluted stormwater, climate change, and air pollution. Investments made in urban forestry will help reduce those negative impacts down the line.

(Opposed) None.

**Persons Testifying (Rural Development, Agriculture & Natural Resources):** (In support) Representative Ramos, prime sponsor; Justin Allegro, The Nature Conservancy;

Steve Zemke, TreePAC; Jason Callahan, Washington Forest Protection Association; Victoria Hunt, City of Issaquah; Kathleen Wolf, University of Washington; George Geissler, Department of Natural Resources; and Dana Parnello, City of Maple Valley.

(Other) Ken Miller, Washington Farm Forestry Association.

**Persons Testifying (Appropriations):** Steve Zemke, TreePAC; Justin Allegro, The Nature Conservancy; and George Geissler and Julie Gilling, Department of Natural Resources.

**Persons Signed In To Testify But Not Testifying (Rural Development, Agriculture & Natural Resources):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.