

SENATE BILL REPORT

E2SHB 1216

As of March 30, 2021

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: Passed House: 3/1/21, 72-25.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 3/16/21, 3/18/21 [DPA-WM, DNP, w/oRec].

Ways & Means: 3/30/21.

Brief Summary of Amended Bill

- Directs the Department of Natural Resources to conduct analyses of the needs and opportunities related to urban forestry and provide technical assistance and capacity building resources to promote urban and community forestry.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means. Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes and Stanford.

Minority Report: Do not pass. Signed by Senator Short.

Minority Report: That it be referred without recommendation.

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.

Signed by Senator Honeyford.

Staff: Jeff Olsen (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Jed Herman (786-7346)

Background: 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, DNR may enter into agreements with nonprofit tree planting organizations and other entities with interests related to urban forestry. Funding can be received by DNR from the federal government or by gifts and grants, and DNR may charge fees for workshops and material distribution. Once received, DNR uses the funding for promoting urban and community forestry in the state.

In 2008, the Legislature directed 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 no later than June 1, 2010.

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 Amended Bill: The name of the program administered by DNR is changed from the Community and Urban Forestry Program to the Urban and Community Forestry Program. In addition to cities and counties, 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 voluntary 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.

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

- 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.

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. 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.

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. DNR must strive to enable urban forest managers to access carbon markets by working to ensure tools developed are compatible with existing and developing urban forest carbon market reporting protocols.

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.

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.

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. DNR must ensure a minimum of 50 percent of the resources used in delivering the Urban and Community Forest Program are delivered in or within 0.25 mile of highly impacted communities.

Evergreen Communities. Statutes governing the Evergreen Communities Program are moved from Title 35, governing cities, to Title 76, governing DNR. Miscellaneous references in the Revised Code of Washington to Evergreen Communities are changed to references to urban forestry.

EFFECT OF AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE AMENDMENT(S):

Clarifies that a private property owner may opt out of a voluntary urban and community forest program established by a city, county, or federally recognized tribe.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Second Substitute House Bill (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what was heard.* PRO: Many cities do not have expertise in forest management, and could benefit from additional resources and technical assistance for urban and community forestry. In some urban areas a lack of trees correlates with lower economic areas and our most vulnerable communities. An amendment to the bill to allow private lands to opt out of the program may also impact ordinances and should be clarified or removed. A healthy urban tree canopy provides many benefits including reducing stormwater runoff and clean air. Similar legislation passed last year, but due to COVID and a lack of funding was vetoed by the Governor. Additional funding is needed to implement the program, and those additional resources would provide grants to cities, conduct a forest inventory, provide technical assistance, support the Evergreen Community Designation program, and allocate 50 percent of the revenues to highly impacted communities.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Representative Bill Ramos, Prime Sponsor; Steve Zemke, Tree PAC; Victoria Hunt, Councilmember, City of Issaquah; Justin Allegro, The Nature Conservancy; Julie Gilling, Department of Natural Resources; Andy Tate, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): No one.

Staff Summary of Public Testimony on the Bill as Amended by Agriculture, Water, Natural Resources & Parks (Ways & Means): PRO: Urban trees are green infrastructure that provide many values including carbon storage, stormwater runoff protection, clean air, salmon habitat, and protect human health. The bill provides direction to prioritize work in areas to address environmental health disparities. This bill passed last year, but was vetoed due to COVID and a lack of funding. Half of the resources are directed to highly impacted communities and funding would support an inventory, technical assistance, grants and the Evergreen Community designation.

Persons Testifying (Ways & Means): PRO: Steve Zemke, Tree PAC; Julie Gilling, Department of Natural Resources; Justin Allegro, The Nature Conservancy.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.