

# HOUSE BILL REPORT

## HB 2768

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**As Reported by House Committee On:**  
Rural Development, Agriculture, & Natural Resources  
Appropriations

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

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

**Sponsors:** Representatives Ramos, Shewmake, Kloba, Lekanoff, Callan, Ramel and Pollet; by request of Department of Natural Resources.

**Brief History:**

**Committee Activity:**

Rural Development, Agriculture, & Natural Resources: 1/28/20, 2/4/20 [DPS];  
Appropriations: 2/8/20, 2/11/20 [DPS(RDAN) ].

**Brief Summary of 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

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Blake, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Chapman, Fitzgibbon, Kretz, Lekanoff, Pettigrew and Ramos.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Chandler, Ranking Minority Member; Dye, Orcutt, Schmick and Walsh.

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Robert Hatfield (786-7117).

**Background:**

Community and Urban Forestry.

The Department of Natural Resources (DNR) is authorized to establish a Community and Urban Forestry (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.

The DNR is also authorized to 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, legislation was enacted that 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.

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**Summary of 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."

The scope of lands on which planting trees is encouraged as part of the Urban and Community Forestry Program is expanded to include tribal lands.

The purposes of the Urban and Community Forestry Program are expanded to include improved human health and the recovery of salmon and orcas.

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."

The DNR must identify priority regions for the implementation of urban forestry programs. Priority must be determined through the use and review of the following analyses and tools, among others:

- 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.

The DNR must ensure a minimum of 50 percent of the resources used in delivering the policies, programs, and activities of the Urban and Community Forestry Program are benefiting vulnerable populations and are delivered in or within one-quarter mile of highly impacted communities.

#### Urban Forestry – 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.

#### Urban Forestry – 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.

#### Urban Forestry 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.

### Urban Forestry Ordinances.

The DNR may use existing tools to assist communities to develop urban forestry ordinances. Ordinances may include, among other elements:

- 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.

The codification in the Revised Code of Washington related to Evergreen Communities is 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."

### **Substitute Bill Compared to Original Bill:**

A provision is added to specify that nothing in the bill may be construed to apply to lands subject to or designated under chapters 76.09 (forest practices), 79.70 (natural area preserves), 79.71 (natural resources conservation areas), 84.33 (timber and forestland taxation), or 84.34 (open space, agricultural, and timberlands taxation) RCW.

A provision is added that directs the Department of Natural Resources (DNR) to conduct at least two pilot projects, one in Eastern Washington and one in Western Washington, to identify areas where urban forestry will generate the greatest confluence of benefits in relation to canopy needs, health disparities, and salmon habitat.

A requirement that the DNR perform a statewide inventory of urban and community forests is removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The incentives in the bill are good. When the Community and Urban Forests Program was first created, it was right before the Great Recession and so it never got fully funded. Cities and towns that have received designation as Evergreen Communities receive an advantage in grant funding from the state, which is also good. The bill modernizes the Evergreen Communities Act. Urban forestry is a powerful tool. The Department of Natural Resources (DNR) runs a small but impactful urban forestry program. The Evergreen Communities Act of 2008 has been underfunded. With funding for that program this session, local communities can work on carbon sequestration, better habitat, air and water quality, and human health improvement. A broad coalition has worked to put this bill together. Planned trees are sustainable trees. A healthy urban tree canopy provides a suite of benefits, including clean air and water. The bill ties the DNR's urban forestry program more explicitly to orca and salmon health, and to health disparities. The data are clear on the value of urban tree canopies: they reduce pollution of stormwater and remove approximately 821,000 tons of air pollution nationally each year.

(Opposed) None.

(Other) In regard to technical assistance, the DNR is supposed to provide technical assistance to Small Forest Landowners Offices (SFLO), help that is deeply underfunded, before spending money on technical assistance for other groups and would like to fund where it's already supposed to be. There is strong support for urban and community forests as 200 million Americans live within urban and community forests. Caution should be exercised to make sure that the good work of this concept doesn't detract from funding other essential functions of the DNR. If there are concerns about conversion, making sure the SFLO is funded is incredibly important.

**Persons Testifying:** (In support) Representative Ramos, prime sponsor; Jason Callahan, Washington Forest Protection Association; Julie Sackett, Washington Department of Natural Resources; and Justin Allegro, the Nature Conservancy.

(Other) Ken Miller, Washington Farm Forestry Association; and Heath Heikkila, American Forest Resource Council.

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

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**HOUSE COMMITTEE ON APPROPRIATIONS**

**Majority Report:** The substitute bill by Committee on be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Ormsby, Chair; Robinson,

1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Kraft and Schmick.

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

**Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Rural Development, Agriculture, & Natural Resources:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 5, 2020.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) None.

(Opposed) None.

(Other) The bill requires the Department of Natural Resources to provide technical assistance to cities. However, technical assistance should be prioritized for small forest landowners, as originally promised in the Forests and Fish legislation from the 1990s.

**Persons Testifying:** Ken Miller, Washington Farm Forestry Association.

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