

SENATE BILL REPORT

SHB 2768

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 28, 2020
Ways & Means, March 2, 2020

Title: An act relating to urban and community forestry.

Brief Description: Concerning urban and community forestry.

Sponsors: House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Representatives Ramos, Shewmake, Kloba, Lekanoff, Callan, Ramel and Pollet; by request of Department of Natural Resources).

Brief History: Passed House: 2/16/20, 64-32.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/25/20, 2/28/20 [DP-WM, w/oRec].

Ways & Means: 2/29/20, 3/02/20 [DPA, DNP, w/oRec].

Brief Summary of Amended Bill

- Modifies urban and community forestry program authority.
- Directs the Department of Natural Resources to conduct urban forestry-related analysis and provide technical assistance.
- Makes technical, organizational, and codification changes.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; McCoy and Rolfes.

Minority Report: That it be referred without recommendation.

Signed by Senators Warnick, Ranking Member; Honeyford and Short.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

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.

Majority Report: Do pass as amended.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Dhingra, Hasegawa, Hunt, Keiser, Liias, Pedersen, Van De Wege and Wagoner.

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Brown, Assistant Ranking Member, Operating; Honeyford, Assistant Ranking Member, Capital; Becker, Muzzall and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senators Schoesler and Warnick.

Staff: Jed Herman (786-7346)

Background: In 2008, the Legislature made substantial changes to state agency program authorities relating to community and urban forestry, with the primary elements of the legislation summarized below.

Evergreen Communities Recognition Program. Cities and counties may pursue recognition as an Evergreen Community. The Department of Commerce (Commerce) is responsible for identifying the criteria necessary for this designation, with applications approved through the Department of Natural Resources (DNR). Designated Evergreen Communities may use logos and signage developed for that purpose by Commerce. In addition, an Evergreen Community designation is a factor in evaluating certain state grant program applications by local governments.

Evergreen Community Management Plans and Ordinances. Among other requirements, cities and counties that choose to pursue designation as an Evergreen Community must adopt an Evergreen Community Urban Forestry Management Plan (Management Plan) and Evergreen Community Ordinance (Ordinance). Commerce must develop a model management plan for local governments that considers specified elements such as canopy cover goals, prioritizing of planting sites, and staff training requirements.

Commerce must also develop a model Ordinance for consideration. Specifically, the model ordinance development process must consider specified elements including tree conservation and retention, tree spacing, use of native trees to reduce storm water runoff, and promotion of tree maintenance to promote utility safety.

Other Provisions. The 2008 bill also included:

- direction that DNR develop criteria and an implementation plan for a statewide community and urban forest inventory and assessment, and authority to implement the inventory and assessment;
- authority for DNR to advise, encourage, and assist local governments to promote urban forestry; and
- direction that DNR appoint a technical advisory committee.

Summary of Amended Bill: Modifies Urban and Community Forestry Program Authority. The following modifications are made to the Urban and Community Forest Program (Program) Authority:

- changes Program terminology from community and urban forestry to urban and community forestry;
- adds tribal lands to the scope of the Program;
- requires at least 50 percent of resources used in delivering Program activities benefit vulnerable populations and be delivered within 0.25 mile of highly impacted communities;
- provides primary program authority to DNR, in consultation with Commerce; and
- specifies that Program statutes do not apply to land subject to or designated under forest practices, natural areas, and timber and open space statutes.

Directs DNR to Conduct Urban Forestry-Related Analysis and Provide Technical Assistance. The Program must provide technical assistance and capacity building resources to promote urban and community forestry, including assistance developing urban forestry management plans and ordinances. Additionally, DNR must conduct analysis and prioritize areas for assistance and activities, with those areas determined by specified criteria including canopy analysis, health disparity mapping, salmon and orca recovery data, and DNR's 20 year forest health plan. DNR must initially select at least two watersheds to pilot the delivery of analysis and guidance, with at least one in Eastern and one in Western Washington.

DNR must development criteria for the Evergreen Community designation to include adoption of an urban forestry management plan, among other requirements.

Makes Technical, Organizational, and Codification Changes. Modifies additional urban and community forestry-related provisions to:

- add definitions;
- reorganize language;
- shift codification of portions of the urban and community forestry statutes; and
- include findings and intent language.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Specifies that DNR may not shift resources from the Small Forest Landowner Office in order to carry out the Program.

Appropriation: None.

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 Substitute House Bill (Agriculture, Water, Natural Resources & Parks): PRO: Urban forestry can be a powerful tool in supporting and recognizing urban forestry work. The bill modernizes and focuses the state's urban

forestry efforts. It was developed in cooperation with a large number of stakeholders. Co-benefits of increasing the tree canopy on the environment are becoming clearer. Using incentives for local governments as opposed to directives is much appreciated.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Justin Allegro, The Nature Conservancy; Julie Sackett, Department of Natural Resources; Jason Callahan, Washington Forest Protection Association.

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

Staff Summary of Public Testimony on Substitute House Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: The DNR is supportive. We think this is important for local communities, salmon and consistent with the efforts to sequester carbon.

Persons Testifying (Ways & Means): PRO: Amanda Jahshan, Department of Natural Resources.

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