



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2604

STAFF REPORT
August 19, 2008

Honorable Members of the
Law and Legislation Committee

Title: Legislative Position: Assembly Bill 2045 Relating to Urban Forestry

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee adopt a support position on AB2045.

Contact: Joe Benassini, Urban Forest Services Manager, 808-6258

Presenters: Joe Benassini, Urban Forest Services Manager,

Department: Department of Transportation

Division: Urban Forest Services

Organization No: 4713

Description/Analysis

Issue: AB 2045 updates and revises the Urban Forestry Act of 1978 to better reflect current environmental challenges and to support and encourage projects that achieve multiple environmental and social benefits. The bill highlights the role trees play in sequestering greenhouse gases, improving air and water quality, conserving energy and providing other environmental benefits. It broadens the purpose of the Act to include control of potentially damaging pests and diseases, authorizes the director to waive cost-share requirements for disadvantaged or severely disadvantaged communities and updates the Act to include projects and programs that address local environmental, recreational, flood management and other programs. The bill also expands the opportunities for grant funds to eligible projects, including urban tree planting plans and urban forest master plans for maintenance and management purposes as well as community education and engagement programs.

Policy Considerations: Support of AB 2045 complements the specific guidelines adopted by the Mayor and City Council for the development of the FY2008/2009 to pursue new, and enhance existing revenue sources, where appropriate, to recover costs of programs and services.

Sustainability: AB 2045 supports Parks, Open Space and Habitat Conservation of the Sustainability Master Plan goal to maintain and expand the urban forest.

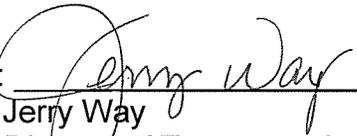
Environmental Considerations: None

Rationale for Recommendation: AB 2045 codifies the importance trees play in climate change and the benefits derived from creating and maintaining an urban forest. The bill provides potential grant funding for projects carried out through the City of Sacramento, SMUD and Tree Foundation that support and maintain the City's urban forest.

Financial Considerations: Not applicable

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
Joe Benassini
Urban Forest Services Manager

Approved by: 
Jerry Way
Director of Transportation

Recommendation Approved:


RAY KERRIDGE
City Manager

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Attachment 1 – Draft Letter of Support

August 19, 2008

The Honorable Hector De La Torre
California State Assembly
State Capitol
PO Box 942849
Sacramento, CA 94249-0050

SUBJECT: Support AB 2045 Updates and Revisions to California Urban Forestry Act of 1978

Dear Assembly Member De La Torre:

On behalf of the City of Sacramento, I am pleased to write in support of AB 2045. The City has adopted a policy of sustainability. The urban forest is a valuable component of this policy and assists the city in reaching our sustainability goal of reducing the City's carbon footprint. The revisions and updates to the California Urban Forestry Act of 1978 provide opportunities to the city and its partners (SMUD and Sacramento Tree Foundation) to continue our efforts in preserving, maintaining and increasing our urban forest.

Thank you for introducing this legislation and elevating the importance the urban forest plays in reducing environmental impacts and expanding grant funding opportunities for urban forest.

Sincerely,

Sandy Sheedy, Chair
Law and Legislation Committee

Cc: Senator Darrell Steinberg
Senator Dave Cox
Assembly Member Dave Jones
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
Dave Jones, Emanuels and Jones and Associates

Attachment 2 Bill Text

AMENDED IN ASSEMBLY APRIL 22, 2008
AMENDED IN ASSEMBLY APRIL 8, 2008
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2045

Introduced by Assembly Member De La Torre

February 15, 2008

An act to amend Sections 4799.07, 4799.08, 4799.09, 4799.10, 4799.11, and 4799.12 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL’S DIGEST

AB 2045, as amended, De La Torre. California Urban Forestry Act of 1978.

Existing law, the California Urban Forestry Act of 1978, authorizes the Department of Forestry and Fire Protection to implement a program in urban forestry to, among other things, encourage better management and planting of trees in urban areas and assist cities in innovative solutions to problems such as tree maintenance and vandalism. In implementing the program the department and the Director of Forestry and Fire Protection are given certain powers and duties, including, but not limited to, entering into agreements with public and private organizations and state agencies to carry out the goals of the program, taking steps necessary to eradicate Dutch elm disease, providing prescribed technical assistance to urban areas, assisting local tree maintenance programs, and providing assistance grants for 25% to 90%, inclusive, of project costs for urban forestry projects meeting certain guidelines. The act authorizes the department to use welfare-to-work participants, and inmates and wards assigned to conservation camps, in implementing the program.

This bill would expand the scope of the program to, among other things, include increasing integrated, multibenefit projects by assisting urban areas with innovative solutions to problems including greenhouse gas emissions, public health impacts of poor air and water quality, urban heat island effect, stormwater management, water shortages, lack of green space, and lack of urban parks accessible to pedestrians. The bill would also expand the powers and duties of the department by requiring the department to cooperate with statewide and regional urban forestry and arboricultural organizations or associations and additional state

agencies and provide additional technical assistance to urban areas. The bill would eliminate the requirement that the director take all steps necessary to eradicate Dutch elm disease and remove limitations on the pests and diseases the department has the powers or duties to quarantine, prevent, or eliminate.

The bill would also authorize the department to utilize the California Conservation Corps or certified Community Conservation Corps in implementing the program.

This bill would authorize the director to waive project cost share requirements for applicants in disadvantaged and severely disadvantaged communities, as defined, and would expand the number and scope of urban forestry projects eligible for assistance grants.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4799.07 of the Public Resources Code is amended to read:

4799.07. The Legislature finds and declares that:

- (a) Trees are a vital resource in the urban environment and as an important psychological link with nature for the urban dweller.
- (b) Trees are a valuable economic asset in our cities. They help maintain or increase property values and attract business and new residents in urban areas.
- (c) Trees play an important role in energy conservation by modifying temperature extremes with shade and humidity, and by influencing wind direction and velocity. This role is particularly important in reducing the amount of energy consumed in heating and cooling buildings and homes, and potentially in producing a local fuel and energy source.
- (d) Trees directly reduce air pollution by removing airborne particulates from the atmosphere and helping to purify the air.
- (e) Trees also help reduce noise, provide habitat for songbirds and other wildlife, reduce surface runoff and protect urban water resources, and enhance the aesthetic quality of life in urban communities.
- (f) Trees planted in urban settings play a significant role in meeting the state's greenhouse gas emission reduction targets by sequestering carbon as well as reducing energy consumption.
- (g) Maximizing the benefits of trees through multiple-objective projects that provide environmental services can provide cost-effective solutions to the needs of urban communities and local agencies, including, but not limited to, increased water supply, clean air and water, reduced energy use, flood and stormwater management, recreation, and urban revitalization.
- (h) Growing conditions in urban areas for trees and associated

plants have worsened so that many of California's urban communities are now losing more trees than are replaced.

SEC. 2. Section 4799.08 of the Public Resources Code is amended to read:

4799.08. The purpose of this chapter is to:

- (a) Promote the use of urban forest resources for purposes of increasing integrated projects with multiple benefits in urban communities.
- (b) Arrest the decline of our urban forest resources, facilitate the planting of trees in urban communities, and improve the quality of the environment in urban areas through the establishment and improved management of urban forest resources.
- (c) Facilitate the creation of permanent jobs in tree maintenance and related urban forestry activities in neighborhood, local, and regional urban areas.
- (d) Optimize the potential of tree and vegetative cover in reducing energy consumption and producing fuel and other products.
- (e) Encourage the coordination of state and local agency activities in urban forestry and related programs and encourage maximum citizen participation in their development and implementation.
- (f) Prevent the introduction and spread within this state of known and potentially damaging or devastating pests and diseases, including, but not limited to, Dutch elm disease, pine pitch canker, sudden oak death disease, the Asian long-horned beetle, and mistletoe.
- (g) Reduce or eliminate tree loss resulting from these diseases and others that are identified.

SEC. 3. Section 4799.09 of the Public Resources Code is amended to read:

4799.09. As used in this chapter:

- (a) "Disadvantaged community" means a community with a median household income less than 80 percent of the statewide average.
- (b) "Severely disadvantaged community" means a community with a median household income less than 60 percent of the statewide average.
- (c) "Urban forestry" means the cultivation and management of trees in urban areas for their present and potential contribution to the economic, physiological, sociological, and ecological well-being of urban society.
- (d) "Urban forest" means those native or introduced trees and related vegetation in the urban and near-urban areas including, but

not limited to, urban watersheds, soils and related habitats, street trees, park trees, residential trees, natural riparian habitats, and trees on other private and public properties.

(e) "Urban area" means an urban place, as that term is defined by the United States Department of Commerce, of 2,500 or more persons.

SEC. 4. Section 4799.10 of the Public Resources Code is amended to read:

4799.10. (a) (1) The department may implement a program in urban forestry to encourage better tree management and planting in urban areas to increase integrated, multibenefit projects by assisting urban areas with innovative solutions to problems, including greenhouse gas emissions, public health impacts of poor air and water quality, urban heat island effect, stormwater management, water shortages, lack of green space, lack of urban parks that are accessible to pedestrians, vandalism, and insufficient tree maintenance, and to otherwise accomplish the purposes of this chapter.

(2) The department shall encourage demonstration projects that maximize the benefits of urban forests in conjunction with state and local agency programs to improve water conservation, energy conservation, stormwater capture and reuse, urban parks and river parkways, school construction and improvements, school greening or sun-safe schoolyards, air quality, water quality, flood management, urban revitalization, solid waste prevention, and other projects.

(3) The department shall assume the primary responsibility in carrying out the intent of this chapter in cooperation with statewide and regional urban forestry organizations or associations and arboricultural organizations or associations, other private and public entities or persons, and appropriate local, state, and federal agencies, including the Department of Water Resources, the California Environmental Protection Agency, the Department of Fish and Game, state regional water quality control boards, regional and local air districts, the University of California Cooperative Extension, the Department of Parks and Recreation, the Department of Transportation, resource conservation districts, and the United States Forest Service.

(b) (1) The department shall be the agent of the state and shall have full power to cooperate with those agencies of the federal government that have powers and duties concerning urban forestry and shall perform all things necessary to secure the benefits of federal urban forestry programs.

(2) To facilitate implementation of this chapter, the director may enter into agreements and contracts with a public or private organization including a local agency that has urban forestry-related jurisdictional responsibilities and an established and operating urban forestry program. The director shall consult with those

agencies when carrying out this chapter in their respective areas.

(c) The director shall take all feasible steps to prevent or retard the introduction, establishment, and spread of known or potentially damaging or devastating pests and diseases. Any agreement shall ensure that the department will not need additional funds to participate in the program.

(d) The department and the Department of Food and Agriculture shall cooperate in setting quarantine boundary lines and in enforcing the provisions relating to quarantine and pest abatement contained in Division 4 (commencing with Section 5001) of the Food and Agricultural Code when a quarantine is established to prevent the spread of introduced pests and diseases affecting the state's urban forests.

(e) Whenever it is feasible to do so, the department may utilize inmates and wards assigned to conservation camps or the California Conservation Corps or certified Community Conservation Corps in implementing this chapter.

(f) The department may utilize available recipients of the Aid to Families with Dependent Children or General Assistance Program, who are participating in state or county work experience programs for carrying out the purposes of this chapter. The participation of registrants for the welfare-to-work program under the CalWORKs program, under Article 3.2 (commencing with Section 11320) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, shall be consistent with their participant contract requirements. A person being utilized by the department pursuant to this subdivision shall not be placed in the same crew as persons utilized pursuant to subdivision (e).

SEC. 5. Section 4799.11 of the Public Resources Code is amended to read:

4799.11. (a) The department shall provide technical assistance to urban areas with respect to:

- (1) Planning for regional, county, and local land use analysis projects related to urban forestry.
- (2) Preparation of urban tree plans and the selection of trees in large-scale landscaping and reforestation efforts.
- (3) Development and coordination of training programs for neighborhood and local agency tree planting and maintenance crews.
- (4) Advice to cities, counties, districts, and regional entities, homeowner neighborhood groups, and nonprofit organizations on tree disease, insect problems, tree planting, and maintenance.
- (5) The role of forest ecology in planning for the future of urban areas, including climate change and greenhouse gas emission reductions, air quality, watershed problems, and energy conservation.

- (6) Retention of native trees and riparian habitats.
- (7) Any other matter relating to the purposes of this chapter.
- (b) The department and other state agencies are also authorized to assist local tree maintenance programs by making surplus equipment available on loan where feasible for regional and local urban forestry efforts, including nonprofit organizations involved in urban tree care.

SEC. 6. Section 4799.12 of the Public Resources Code is amended to read:

4799.12. The director, with advice from other appropriate state agencies and interested parties, may make grants to provide assistance of 25 to 90 percent of costs for projects meeting guidelines established by the board upon recommendation by the director. The director may waive the cost share requirement for projects that are in disadvantaged and severely disadvantaged communities. Grants may be made to cities, counties, districts, and nonprofit organizations. Contributions required as a condition of grants made pursuant to this section may be made in the form of material, services, or equipment, or funds. Authorized assistance shall include, but may include, but is not limited to, any of the following need:

- (a) Funding for development of urban tree plans that include coordination of local agency efforts and citizen involvement.
- (b) Funding for development of urban tree plans which that include coordination of multiple jurisdictions, multiple agency efforts, and citizen involvement.
- (c) Funding for development of urban forest master plans or similar plans designed to provide comprehensive protection, maintenance, and management of the urban forest.
- (d) Provision of seedling and tree stock.
- (e) Tree planting projects.
- (f) Funding and other assistance to local agencies and nonprofit organizations for partnerships as follows:
 - (1) Energy saving urban forest programs similar to the Los Angeles Department of Water and Power's Trees for Green LA program and the Sacramento Municipal Utility District's Sacramento Shade Tree program.
 - (2) Developing projects or programs that use urban forests for water conservation, improving water quality, or stormwater capture.
 - (3) Developing projects or programs that use urban forests for air quality improvement, reduction in greenhouse gas emissions, or reduction of heat island effect.
 - (4) Developing community education and engagement programs on the benefits and proper care of trees.
- (g) Funding for the development of training and education materials on the benefits of the urban forest.

(h) Funding for the development of training and education materials on proper care and maintenance of trees and the urban forest, including young and mature tree care.

(i) Funding and other assistance, based on criteria developed by the department, for maintenance and management of urban forests to ensure their survival and ability to optimize the benefits that urban forests provide the community and the environment.

(j) Funding and assistance to establish, revise, or update local or regional tree or urban forest policies and ordinances to support the optimization of the urban forest and promote the use of urban forest resources as a solution to increasing integrated projects with multiple benefits in urban communities.

(j) Funding and other assistance for demonstration projects in urban forestry with special attention given to projects or programs assisting the state in meeting the Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), meeting greenhouse gas emission reduction goals, improving energy and water conservation, capturing and filtering urban stormwater, improving water quality, reducing the urban heat island effect, improving air quality, and wood and fiber utilization projects, including, but not limited to, biofuel and bioenergy.

(k) Other categories of projects recommended by the director and approved by the board.

Attachment 3 BILL ANALYSIS

AB 2045
Page 1

ASSEMBLY THIRD READING
AB 2045 (De La Torre)
As Amended March 22, 2008
Majority vote

NATURAL RESOURCES 7-2 APPROPRIATIONS 12-5

Ayes: Hancock, Aghazarian,	Ayes: Leno, Caballero, Davis,
Brownley, Fuentes, Laird,	DeSaulnier, Eng, Huffman,
Saldana, Wolk	Berg, Krekorian, Lieu,
	Ma, Nava, Solorio
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Nays: La Malfa, Keene	Nays: Walters, Emmerson, La
	Malfa, Nakanishi, Sharon
	Runner

SUMMARY : Updates, revises and recasts the California Urban Forestry Act of 1978 (Act) to highlight the role trees play in sequestering greenhouse gases, improving air and water quality, conserving energy, and providing other environmental benefits. Specifically, this bill:

- 1)Broadens the purposes of the Act to prevent the introduction and spread, generally, of known and potentially damaging pests and diseases, and to prevent tree loss due to these diseases.
- 2)Defines "disadvantaged community" as a community with a median household income less than 80% of the statewide average and "severely disadvantaged community" means a community with a median household income less than 60% of the statewide average.
- 3)Authorizes the director to waive cost share requirements for projects that are in disadvantaged or severely disadvantaged communities.
- 4)Updates the urban forestry program by including greenhouse gas

emissions, public health impacts of poor air and water quality, urban heat island effect, stormwater pollution, water shortages, lack of green space, and lack of urban parks that are accessible to pedestrians to the list of problems that the program may address; authorizes the California Department of Forestry and Fire Protection (CDF) to work with state and local environmental, recreational, flood management, and other programs when encouraging demonstration projects.

- 5) Adds statewide and regional urban forestry and arboricultural organizations and state or federal agencies that CDF must cooperate with in carrying out the urban forestry program.
- 6) Adds climate change and the role forests can play in reducing greenhouse gases to the list of issues CDF must provide technical assistance about.
- 7) Adds the following projects that are authorized to receive grants funds:
 - a) Funding for development of urban tree plans which include coordination of multiple jurisdictions, multiple agency efforts, and citizen involvement;
 - b) Funding for development of urban forest master plans or similar plans designed to provide comprehensive protection, maintenance, and management of the urban forest;
 - c) Tree planting projects;
 - d) Energy saving urban forest programs similar to the Los Angeles Department of Water and Power's Trees for Green LA program and the Sacramento Municipal Utility District's Sacramento Shade Tree program;
 - e) Developing projects or programs that use urban forests for water conservation, reducing greenhouse gas emissions, heat island effect, improving air and water quality, or stormwater capture;
 - f) Developing community education and engagement programs on the benefits and proper care of trees;
 - g) Funding for the development of training and education materials on the benefits of the urban forest, proper care and maintenance of trees and the urban forest, including young and mature tree care;

- h) Funding and other assistance, based on criteria developed by the department, for maintenance and management of urban forests to ensure their survival and ability to optimize the benefits that urban forests provide the community and the environment; and,
- i) Funding and other assistance for demonstration projects in urban forestry with special attention given to projects or programs assisting the state in meeting the state's climate change goals, improving energy and water conservation, and other specified projects.

EXISTING LAW :

1)Allocates, under Proposition 84 (2006), \$90 million for urban greening projects that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits for the overarching purpose of reducing urban communities' contribution to global warming. Of this amount, \$20 million is available for urban forestry projects pursuant to the Act.

The California Urban Forestry Act of 1978 (Chapter 1181), Statutes of 1978:

- 2)Authorizes CDF to implement an urban forestry program to encourage better tree management and planting in urban areas, to assist the cities in seeking innovative solutions to problems such as tree maintenance and vandalism, to encourage demonstration projects to maximize the benefits of urban forests, and to prevent the introduction and spread of diseases such as Dutch elm disease and pine pitch canker.
- 3)Defines "urban forestry" to mean the cultivation and management of trees in urban areas (populated by 2,500 or more people) for their present and potential contribution to the physiological, sociological, and economic well-being of urban society.
- 4)Defines an "urban forest" to mean those native or introduced trees and related vegetation in the urban and near-urban areas including, but not limited to, street trees, park trees, residential trees, natural riparian habitats, and trees on other private and public properties

- 5) Authorizes the Director of CDF to enter into agreements and contracts with any public or private organization having forestry-related jurisdictional responsibilities and established and operating urban forestry programs.
- 6) Authorizes CDF to use available recipients of the Aid to Families with Dependent Children or General Assistance Program who are participating in state or county work experience programs for carrying out the above program.
- 7) Requires CDF to provide technical assistance to urban areas with respect to planning for regional, county, and local land use analysis projects related to urban forestry, preparation of urban tree plans, training programs for tree maintenance crews, the role of forest ecology in maintaining air quality and watersheds, and energy conservation, and other issues as specified.
- 8) Authorizes CDF to make grants to cities, counties, districts, and nonprofit organizations covering 25 to 90% of the cost of the development of urban tree plans and demonstration projects, purchasing seedlings and tree stocks, and other projects consistent with guidelines established by the Board of Forestry.

FISCAL EFFECT : According to the Assembly Appropriations Committee, minor costs, if any, to CDF to modify the urban forestry grant program to reflect the expansion of funding recipients. Potentially substantial reallocation of grant awards to newly eligible projects and to low-income communities that do not have to provide matching funds to receive a grant.

COMMENTS : Since 1978, CDF has administered urban forestry program grants to help arrest the decline of urban forests, plant trees in cities, and improve the quality of the environment in urban areas through establishment and improved management of urban forests. The objectives of the program include maximizing tree and vegetative cover to reduce energy consumption, improving air quality, producing products such as fuel and high quality wood, and facilitating the creation of permanent jobs in tree maintenance and urban forestry activities.

According to CDF, since 1998, over 135,000 trees have been planted through direct grants to seven Regional Urban Forest Councils that unify over 80 nonprofit organizations with local governments, CDF, and the United States Forest Service. State bond funds (Propositions 12, 40, 84) have been the primary source of these grants. While Proposition 12 (2000) monies (for tree planting only) are nearly depleted, only \$3 million of \$10 million made available from Proposition 40 (2002) has been spent on tree inventories, management plans, or educational programs. Of the \$20 million available from Proposition 84 (2006), the Legislature appropriated \$2.8 million last year for similar projects and others such as the development of tree ordinances, demonstration projects, community gardens, and green roofs or swales. CDF funds 50-65% of total projects costs and makes additional grants if a project serves under-forested or under-employed areas.

The Administration has submitted a budget change proposal for 2008-09 that programs an additional \$5.4 million from Proposition 84 as part of a 10 year, \$46 million "urban greening" plan. As a member of the Climate Action Team (CAT) and in light of AB 32, CDF has identified urban forestry as an important element in the state's efforts to reduce greenhouse gas emissions and as a source of biomass to generate renewable energy. CAT proposals along these lines include planting five million trees by 2010, estimated to sequester four million metric tons of CO₂ by 2030, and promotion of investment in bio-power facilities using urban wood waste to produce 250 megawatts of electricity.

According to the author, the intent of this bill to update and revise the Act to better reflect current environmental challenges, including climate change and AB 32 implementation; incorporate an expanded list of benefits urban forestry can provide; and support and encourage projects that achieve multiple environmental or social benefits. The state's communities face numerous problems including poor air quality, impaired water quality, flood and stormwater hazards, climate change, loss of wildlife habitat and socio-economic challenges. The author believes that urban forests and the environmental and social benefits they provide can help meet these challenges and move California communities forward.

Analysis Prepared by : Dan Chia / NAT. RES. / (916) 319-2092