

# HOUSE BILL REPORT

## HB 2083

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**As Reported by House Committee On:**  
Ecology & Parks

**Title:** An act relating to requiring consideration of impacts to tree canopies in large cities through rules implementing the state environmental policy act.

**Brief Description:** Requiring consideration of impacts to tree canopies in large cities through rules implementing the state environmental policy act.

**Sponsors:** Representatives White, Kenney, Carlyle, Nelson, Moeller, Williams, Pettigrew, Pedersen, Ormsby, Hunt, Springer, Upthegrove, Dunshee, Kagi and Chase.

**Brief History:**

**Committee Activity:**

Ecology & Parks: 2/17/09, 2/20/09 [DP].

**Brief Summary of Bill**

- Directs the Department of Ecology to require consideration of the impacts that a proposed action in a large city might have upon the tree canopy of that city in all rules it adopts under a particular section of the State Environmental Policy Act.

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### HOUSE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 8 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase, Dickerson, Dunshee, Finn, Hudgins and Morris.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Short, Ranking Minority Member; Eddy, Orcutt and Shea.

**Staff:** Anna Jackson (786-7190)

**Background:**

[The State Environmental Policy Act.](#)

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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.*

The State Environmental Policy Act (SEPA) requires all branches of government in the state, including state agencies, municipal and public corporations, and counties to include a detailed environmental impact statement (EIS) in every report or recommendation for major actions that significantly affect the quality of the environment. The EIS must include: (1) the environmental impact of the proposed action; (2) any adverse environmental effects that cannot be avoided if the proposal is implemented; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

The Department of Ecology is required to adopt and amend rules of interpretation and implementation for the SEPA, such as categories of governmental actions that are and are not considered major actions significantly affecting the quality of the environment, and definitions of relevant terms for the implementation of the act, including establishing a list of elements of the environment. Subjects listed as elements of the environment require an analysis of environmental considerations under another section of the SEPA, and the list distinguishes between the "natural" and "built" environment. Elements of the built environment include public services and utilities, transportation, environmental health, and land and shoreline use.

#### Urban Forests.

Other state programs currently contain provisions to protect and enhance urban forests, such as the Evergreen Communities Recognition Program. Under this program, cities and counties are authorized to pursue recognition as an "Evergreen Community." Criteria for becoming an Evergreen Community includes developing a community forest program, recognizing Arbor Day, completing a forest inventory, and adopting an urban forestry management plan. The application process for becoming an Evergreen Community is managed through an urban forestry recognition program under the Department of Natural Resources. Evergreen Communities are entitled to a competitive advantage for certain state grant programs benefitting local governments, including grants for public works projects, water pollution control facilities, water quality, habitat improvements, and aquatic lands enhancement.

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#### **Summary of Bill:**

Rules adopted under the SEPA that relate to the definition of relevant terms, including the establishment of a list of elements of the environment, must consider the impacts that a proposed action in a city with a population exceeding 100,000 might have upon the tree canopy of that city.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Tree canopies have suffered a 25 percent reduction in size on a national level during the last 30 years, and a 50 percent reduction in the greater Seattle area. This loss is particularly significant today, since tree canopies aid in mitigating the effects of an increasing global temperature and stormwater run-off. This bill would strengthen existing efforts to protect remaining tree canopies in the largest six cities in Washington.

(With concerns) The SEPA is an information-gathering process conducted to explore the possible impacts of certain actions on the environment, and a consideration of effects upon vegetation is already required under current law. While the intent of this bill — to enhance protection of urban tree canopies — is worthy of support, the regulatory approach the bill uses to achieve this intent is largely duplicative of existing SEPA provisions. Voluntary programs, like the Evergreen Communities Recognition Program, also take into account the value of protecting tree canopies, and may offer a better vehicle for enhancing protection efforts.

(Opposed) None.

**Persons Testifying:** (In support) Representative White, prime sponsor.

(With concerns) Tom Clingman, Department of Ecology; and Heath Packard, Department of Natural Resources.

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