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AB-1530 Urban forestry. (2017-2018)

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Assembly Bill No. 1530

CHAPTER 720

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.

[Approved by Governor October 12, 2017. Filed with Secretary of State October 12, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1530, Gonzalez Fletcher. Urban forestry.

The California Urban Forestry Act of 1978 has as a stated purpose the promotion of the use of urban forest resources for purposes of increasing integrated projects with multiple benefits in urban communities.

This bill would provide that the purpose of the act is also to promote policies and incentives that advance improved maintenance of urban forest canopy to optimize multiple benefits, among other purposes.

The act authorizes the Department of Forestry and Fire Prevention to implement a program in urban forestry to encourage better tree management and planting in urban areas, as provided.

This bill would require the department to implement this program, establish local or regional targets for urban tree canopy, and develop or update regulations as necessary, as provided.

The act requires the department to provide technical assistance to urban areas with respect to certain actions, including planning for regional, county, and local land use analysis projects related to urban forestry.

The bill would also, among other things, require the department to provide technical assistance to urban areas with respect to the improvement and enhancement of local water capture for urban forest maintenance, and would define "urban forest maintenance" and "local water" for these purposes.

The act authorizes the director of the department to make grants to provide assistance for projects and to waive the cost sharing requirement for projects that are in disadvantaged and severely disadvantaged communities. The act defines disadvantaged community and severely disadvantaged community for these purposes.

This bill would redefine a disadvantaged community as one that is identified as such pursuant to the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act. The bill would delete the definition of severely disadvantaged community and instead use low-income community as that term is used in the Greenhouse Gas Reduction Fund Investment Plan and Communities Revitalization Act. The bill would authorize the director to authorize advance payments from a grant awarded to a nonprofit organization that is located in or providing service to disadvantaged or low-income communities, as provided.

The act authorizes certain types of assistance, including funding for development of urban tree plans that include coordination of local agency efforts and citizen involvement.

This bill would also authorize assistance for funding for improved urban forest maintenance, and projects that respond to events that impact urban forest health, as provided, and funding for planning and technical assistance for eligible applicants assisting disadvantaged communities.

Vote: majority Appropriation: no Fiscal Committee: yes 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, attract business and new residents in urban areas, and support job creation and business growth.
- (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 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. (a) The purpose of this chapter is to:

(1) Promote the use of urban forest resources for purposes of increasing integrated projects with multiple benefits in urban communities, including, but not limited to, the following:

- (A) Expanded urban forest canopy.
- (B) Community greening.
- (C) Increased carbon sequestration.
- (D) Reduced energy consumption.
- (E) Reduction of impacts of the urban heat island effect.
- (F) Improved management of stormwater and dry weather runoff.
- (G) Improved local water capture and efficient use of water for urban forest maintenance.
- (H) Climate adaptation, with an emphasis on disadvantaged communities.

(2) Stop 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.

(3) Facilitate the creation of permanent jobs in tree maintenance and related urban forestry activities in neighborhood, local, and regional urban areas to enable workforce training for young women and men in disadvantaged communities.

- (4) Optimize the potential of tree and vegetative cover in reducing energy consumption and producing fuel and other products.
 - (5) Encourage the coordination of state and local agency activities in urban forestry and related programs and encourage maximum community participation in their development and implementation.
 - (6) Assist the Department of Agriculture to prevent the introduction and spread within this state of known and potentially damaging or devastating invasive pests and diseases.
 - (7) Reduce or eliminate tree loss resulting from invasive pests and diseases.
 - (8) Promote policies and incentives for implementing entities that advance improved maintenance of urban forest canopy to optimize multiple benefits.
- (b) In implementing this chapter, the department shall consult with the State Water Resources Control Board to identify additional opportunities to improve water resources management through urban forestry projects.

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

4799.09. As used in this chapter the following terms have the following meanings:

- (a) "Disadvantaged community" means a community identified as a disadvantaged community pursuant to Section 39711 of the Health and Safety Code.
- (b) "Local water" means rainwater, stormwater, recycled water, and urban runoff captured by urban forest sites through curb cuts, cisterns, tree wells, and other best management practices that offset reliance on potable water use.
- (c) "Low-income community" means a community as defined in Section 39713 of the Health and Safety Code.
- (d) "Urban area" means an urban place, as that term is defined by the United States Department of Commerce, of 2,500 or more persons.
- (e) "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.
- (f) "Urban forest maintenance" means those activities that reduce tree mortality, ensure optimal tree health, preserve carbon sequestration and climate resilience benefits, and improve the full functionality of the urban forest. This includes, but is not limited to, mulching, watering, and proper pruning practices.
- (g) "Urban forestry" means the cultivation and management of native or introduced trees and related vegetation in urban areas for their present and potential contribution to the economic, physiological, sociological, and ecological well-being of urban society.

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

4799.10. (a) (1) The department shall implement a program in urban forestry to encourage better tree management and planting in urban areas to increase integrated, multiple benefit projects by assisting urban areas with innovative solutions to problems, including reductions in the emissions of greenhouse gases, mitigation of public health impacts of poor air and water quality, mitigation of urban heat island effect, improved capture of stormwater and dry weather runoff, addressing 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 carbon sequestration, water conservation, energy conservation, stormwater capture and reuse, urban forest maintenance, 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 establish local or regional targets for urban tree canopy, with emphasis on disadvantaged communities that tend to be most vulnerable to urban heat island effect. These targets shall include urban forest diversity, tree species' adaptability to anticipated climate change impacts, and other relevant factors.

(4) 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, but not limited to, the Department of Water Resources, the California Environmental Protection Agency, the Department of Fish and Game, the

Department of Food and Agriculture, 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 CalWORKs or the 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).

(g) The department shall develop or update regulations as necessary to implement the requirements of this section.

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 all of the following:

- (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 landscaping and reforestation efforts.
- (3) Development and coordination of training programs for neighborhood and local agency tree planting and maintenance crews.
- (4) Advice and guidance to cities, counties, districts, and regional entities, homeowner neighborhood groups, and nonprofit organizations on tree disease, insect problems, tree planting, maintenance, and best practices and metrics as developed by the department, for maintaining urban forest health.
- (5) The role of forest ecology in planning for the future of urban areas, including climate change and greenhouse gas emission reductions, carbon sequestration, air quality, watershed problems, and energy conservation.
- (6) Improvement and enhancement of local water capture for urban forest maintenance.
- (7) Retention of native trees and riparian habitats.
- (8) 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 and green waste utilization programs by making equipment available on loan where feasible and not detrimental to department or other state agency operations. That equipment may be used only to support regional or local urban forestry efforts consistent with this chapter, including by nonprofit organizations involved in urban tree care or urban green waste utilization efforts.

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 sharing requirement for projects that are in disadvantaged and low-income communities. Grants may be made to cities, counties, districts, and nonprofit organizations. The director may also waive the cost sharing requirement if the funding source for a grant prohibits cost sharing requirements. The director may authorize advance payments from a grant awarded to a nonprofit organization that is located in or providing service to disadvantaged or low-income communities. The advance shall not exceed 25 percent of the total grant award. 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 may include, but is not limited to, any of the following needs:

- (a) Funding for development of urban tree plans that include coordination of local agency efforts and community involvement.
- (b) Funding for development of urban tree plans that include coordination of multiple jurisdictions, multiple agency efforts, and community 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.
 - (2) Developing projects or programs that use urban forests for water conservation, improving water quality, improved water management, or stormwater capture.
 - (3) Developing projects or programs that use urban forests for air quality improvement, reduction in greenhouse gas emissions, or reduction of urban 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 educational materials on the benefits of the urban forest.
- (h) Funding for the development of training and educational 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 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 other assistance for demonstration projects in urban forestry with special attention given to projects or programs assisting the state in meeting the requirements of the Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), improving energy and water conservation, capturing and filtering urban stormwater and dry weather runoff, improving water quality, utilizing local water, reducing the urban heat island effect, improving air quality, and wood and fiber utilization projects, including, but not limited to, biofuel and bioenergy.
- (k) Funding for improved urban forest maintenance and projects that respond to events that impact urban forest health, including drought, storms, pests, and disease.
- (l) Funding for planning and technical assistance for eligible applicants assisting disadvantaged communities.
- (m) Other categories of projects recommended by the director and approved by the board.