

District of Columbia Urban Forestry Advisory Council meeting minutes—FINAL  
October 19, 2016

Members Present

- Mark Buscaino, Casey Trees
- Delores Bushong, community rep.
- Earl Eutsler, DDOT/UFA
- Maureen Holman, DC Water
- Nathan McElroy, Pepco
- Irv Sheffey, community rep.
- Robin Snyder, GSA

Members Absent

- Dennis Chestnut, community rep.
- Jeff Seltzer, DOEE
- Brent Sisco, DPR
- Perry Wheelock, NPS

Additional Individuals Present

- Luke Cole, DOEE

Quorum: Yes

Approval of September 14, 2016 Meeting Minutes

- Resolution— approval of UFAC Meeting Minutes of 14/09/2016  
Upon a motion moved by Luke Cole and seconded by Mark Buscaino, by unanimous vote of all present, the Committee approved the UFAC Meeting Minutes of 14/09/2016.

Community representative term length lottery

Drawn by lot, as required in the Tree Canopy Protection Amendment Act of 2016, the initial term lengths of the community representatives are as follows:

Mark Buscaino: 2-year term

Dennis Chestnut: 3-year term

Delores Bushong: 2-year term

Irv Sheffey: 1-year term

Review of initiatives presented at first meeting for UFAC consideration

- Earl Eutsler discussed the Tree Canopy Protection Amendment Act of 2016 with particular focus on informing the UFAC of its details and how UFAC can support it.

*Specifics:* with the passage of the Tree Canopy Protection Amendment Act of 2016, the size of trees subject to regulation was changed, as were the fee and fine schedules for damaging trees. Special Tree designation: was 55"+ is now 44–100". 100"+ is a Heritage Tree—this is the most fundamental difference from 2002 law in that it provides protection for individual Heritage Trees. If the Heritage Tree isn't hazardous, it cannot be removed (i.e., no option for a schedule of fees), which is a major milestone in terms of protecting oldest trees in the District. It is important to note that the 2016 act slows down the loss of existing, mature canopy, and these huge trees deliver some major ecosystem services. It is additionally important to note that the City Council borrowed the concept from the existing zoning (i.e., tree and slope overlay zoning) regs, so this isn't a new concept. Through implementation, there should be a substantial enhancement of trees here in the District. Old fee: \$35/in circumference, now \$55/inch. Fine: \$100/inch (previous) to \$300/inch.

*Discussion:*

Mark Buscaino asked how we make this appeal to the industry and to the public. The canopy would benefit by a program to get any tree-kill company registered with the city. Any certified tree-care company should be able to be checked by the District. Endless anecdotes of homeowners' reports of tree care companies damaging trees.

Earl Eutsler noted that DDOT has looked at this, and there is something in place through DCRA (businesses are supposed to be licensed). For an amendment as young as this one, it has already received quite a bit of political maneuvering to undermine/repeal it. From DDOT's perspective, the Heritage Tree provision has some serious power. This isn't intended to stop development in its tracks; rather it's intended to help integrate trees into the built environment. As things currently stand, there is a lot of potential to catalyze urban tree preservation innovation. Hopes the UFAC can support this bill if it comes under pressure in the Council.

Maureen Holman asked if the policy goal behind the addition of the Heritage tree/rest of tree law supposed to be protecting big trees as a proxy for *old* trees—that is, are Heritage Trees assumed to be of a certain level of health?

Earl Eutsler responded, noting that size and circumference is a proxy for age and fitness and significance. As trees get larger, there is a resultant exponential increase in benefits to stormwater and ecosystem services. But, bear in mind that *non-hazardous* trees are protected. Hazardous trees may be trimmed/removed. UFA makes the decision on whether trees are hazardous or not.

Mark Buscaino: changes put forward on the bill didn't come through quickly, this was being talked about for years (since 2002, practically). There has been some grumbling about this Heritage Tree law from industry.

Maureen Holman asked if DDOT has any sense of the # of Heritage Trees in the District.

Earl Eutsler: no to a count, b/c so many are on private property. But, DDOT is creating an inventory.

- Trees and solar: Luke Cole presented briefly on existing legislation from Boulder, CO and the state of California.

The solar legislation for Boulder, CO and the state of California both identify solar rights by the first-existing entity (i.e., trees or solar panels). Should an existing tree—which would have been indicated during a site review prior to solar installation—eventually grow to shade a solar panel installed post-planting, the property owner who installed the solar panels are without recourse. Inversely, if a tree is planted after a solar panel is installed, that tree would need to be pruned/topped/removed if it shades more than 10% of the solar panel between 10AM and 2PM.

Earl Eutsler noted that there have already been issues with trees being extirpated for solar. As a council, we can state a position that we would like to advance—almost as a doctrine—of how

these competing interests are going to co-exist. Solar is a direct benefit to the person who installs it, but trees are a benefit to everyone. We can come up with a position on this and put our weight behind it as far as we can.

Mark Buscaino seconded that these issues are going to come up, and they are going to have legislating impacts over time.

Earl Eutsler reminded the group that this council won't create new policy. We're going to ensure coordination and advise, and this council can put together a position on how trees and solar are going to co-exist.

#### Introduction of new initiatives for UFAC consideration

- Delores Bushong: concerned about mortality of newly planted trees. Are there data for survival of trees planted in fall v. spring?

Mark Buscaino and Earl Eutsler reported back that approximately 90% of trees survive after 2 years; but that community engagement could certainly help. The data point to approximately 10% mortality, some of which is due to outright removal. Excluding extirpation, the mortality rate is around 7%. Earl Eutsler and Mark Buscaino have talked about making the best out of the existing Tree Tenders program. It's a work in progress.

Earl Eutsler reiterated that UFA tracks mortality closely. UFA revisits every tree, and does a survey at the end of the 2<sup>nd</sup> year. But, there are places where trees routinely die off; it could be bad soil, lack of community engagement, or both. Earl also asked if we leverage the Casey Trees network for citizen foresters to get more public support for watering street trees.

Mark Buscaino responded, saying Casey Trees is looking at their existing programs, and want to assist with maintenance in concentrated areas of need.

Delores Bushong pointed out that watering street trees is difficult, as there are scant hose connectors that would allow residents and business owners to water trees. Irv Sheffey added that their advocacy group in SE had acquired a connection to the local hydrant, but that cost yearly. That was a disincentive to water trees, b/c that could be exclusionary based on cost.

Earl Eutsler, in reference to watering regimes added that UFA waters trees twice a month, which comes to over a million gallons/year. But the District needs more help from the public, and UFA is starting to look at areas where there have been particularly bad returns. Time between rainfall events correlate strongest to new tree mortality and UFA can't offset that alone. We need to advance watering initiatives and also plant in currently empty tree spaces. Fortunately, UFA collects a LOT of data.

- Green Area Ratios and zoning ordinances

Mark Buscaino discussed that there are developments going in (e.g., Brookland), and we're losing green space b/c the development fills up the whole lot footprint. In areas where lands are

losing the current green area ratio, why can't we allow these developers to absorb more \$ by going more vertical, thus preserving greenspace.

Tree growth will be limited where there aren't solutions provided. Developers are willing to put trees on the roof if they can get additional height (often 5–10'). Can we craft an ordinance/reg that states we're allowing 5–10' more feet that will cover 40% of your rooftop (as an example)? Also provides social and economic benefit.

The UFAC agreed that it will commit to discussing this initiative in the future, inviting experts from DOEE, DDOT, Casey Trees, and elsewhere to discuss our options.

#### Next steps

- Next meeting date: December 13, 2016 from 2:30–4PM
- Bios and headshot for each UFAC member
- Identify DGS replacement for Mark Chambers

#### Adjournment

Upon motion duly made by Luke Cole, and seconded unanimously, the Council voted to adjourn. Meeting adjourned at 12:04 pm.

Respectfully submitted,



Luke Cole

November 2, 2016

Date

Recorder and transcriber: Luke Cole