

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of Transportation



Public Hearing:

B21-0318, the Tree Canopy Protection Amendment Act of 2015

Testimony of
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Director

Before the

Committee on Transportation and the Environment

Council of the District of Columbia

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Room 500
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004



Good afternoon Chairperson Cheh and members of the Committee on Transportation and the Environment. I am Leif Dormsjo, Director of the District Department of Transportation or DDOT. I am pleased to testify before you today on Bill 21-0318, the Tree Canopy Protection Amendment Act of 2015. As you know, the primary mission of DDOT's Urban Forestry Administration (UFA), is to protect the District's trees and to keep the District's tree canopy healthy, safe, and growing.

UFA performs this mission with a professional staff of 19 certified arborists who bring years of advanced, specialized education and experience to the program. These 19 UFA arborists combined have nine Masters of Science degrees, one PhD in Forest Science, nine Bachelors of Science in horticultural or forestry related fields, two certified Landscape Architects as well as additional qualifications in Tree Risk Assessment, Municipal and Utility Urban Forest Management. Lastly, UFA is home to the Office of the State Forester and the Urban and Community Forestry Coordinator for the US Forest Service. This core team of highly dedicated staff has been in place and protecting the tree canopy of the District since 2008.

I want to thank you, Councilmembers Cheh and Allen, for your leadership in co-sponsoring this legislation. DDOT generally supports the proposed amendments to the Urban Forest Preservation Act of 2002. There are, however, a few changes we would like to suggest.

I. Redefine a special tree as being 47 inches in circumference (currently 55 inches.)

The Bill proposes to reduce the threshold for a special tree from 55 inches in circumference to 47 inches.

- UFA estimates that this will increase the current UFA work load by roughly 50% based on the increased number of trees that would fall into this range; roughly 160,000 additional trees would be reclassified as “special” if the size threshold is lowered. This



will require a dramatic increase in UFA staff effort to process the anticipated increase in permit applications. This increased demand, for protection of smaller diameter trees, could create opportunities for non-compliance, or detract from the intensive management currently enjoyed by the city's street trees.

- This size change might also create public uncertainty as to the requirements of the tree protection law, create public relations issues in re-educating the public to the new size, and result in increased non-compliance with the law.

II. Increase the special tree removal fee to \$55 per inch of tree circumference (currently \$35 per inch)

DDOT supports this proposed fee increase for the following reasons:

- The fee has remained the same for more than ten years and the increased fee more closely matches the current inch for inch replacement cost for a tree.
- A 55" circumference special tree would necessitate the installation of seven (7) new saplings to offset the diameter loss. At the proposed rate of \$55 per inch of circumference, a non-hazardous 55" circumference Special Tree would require a Tree Fund contribution of \$3,025. This increase would cover the full cost to plan, procure, plant and maintain for one year the seven new saplings that would be installed as mitigation.
- Additionally, this fee increase has the potential to serve as a deterrent by increasing the cost of removing a non-hazardous special tree.



III. Increase the fine for the unpermitted removal of a special tree to \$300 per inch of tree circumference (currently \$100 per inch).

DDOT aggressively investigates and enforces violations of the UFPA. Recent technological advances have allowed UFA to accurately assess special trees even after they have been removed. These innovative approaches have proven highly successful at compelling land owners to become compliant with the UFPA's provisions. Lastly, it is relevant to this discussion to note that the UFPA, in its present form, is already the strictest tree canopy preservation ordinance in the region.

- The proposed increase to \$300 per inch of circumference will result in an increased fine, for the unpermitted removal of a 55" non-hazardous tree, from \$5,500 to \$16,500.
- UFA's experience is that it is preferable to educate an unwary homeowner rather than to penalize them. Even in cases where the fines are determined to be justified they are often deemed by a hearing officer on appeal to be excessively onerous.

IV. Authorize the Mayor to increase the fee or fine by rulemaking.

DDOT supports this proposed change but would like to suggest that:

- The word "increase" be changed to "modify."
- This will provide the Mayor the option to either increase or decrease the fee or fine.

V. Expand the mandated uses of the Tree Fund to include:

- ***Planting and maintaining trees on public space, including park and school property; and***
- ***Providing income-contingent subsidies to District residents for removal and replacement of hazardous trees.***

The bill also provides that the Tree Fund may be used:



- ***In coordination with the Department of Energy and the Environment (DOEE) to support tree planting on private property.***

DDOT supports this provision to expand the use of the Tree Fund.

VI. Amend the DDOT Establishment Act to include:

- ***Planting and maintaining trees on public space, including park and school property***
- ***Conducting survival checks of replacement trees planted on public property to ensure successful canopy replacement and to help inform future planting decisions.***

DDOT is generally supportive of these amendments.

- DDOT welcomes the opportunity to extend its state of the art management system to other publicly owned trees. This expansion of responsibilities represents no less than a 30% increase in the population of trees under UFA purview. For the proposed transition of responsibilities to be successful, issues of funding, staffing and liability would need to be addressed.
- While DDOT supports the concept of survival checks, it differs slightly on the approach. UFA currently conducts such checks on 100% of the replacement trees it installs. Since the Tree Fund may be used by groups outside of DDOT, and may result in tree planting on private property, DDOT supports extending this survival-monitoring requirement to all replacement trees, regardless of who installs them or where they are planted. As such, DDOT suggests this requirement would be more appropriate in the UFPA, rather than the DDOT Establishment Act.

That concludes my testimony today on the Tree Canopy Protection Amendment Act. I want to thank you again for the opportunity to testify and I stand ready to respond to any questions you might have.

