



Testimony to the Committee on Transportation and the Environment

Regarding the Tree Preservation Enhancement Amendment Act of 2023

Monday, March 18, 2024

Good morning. First of all, I want to express my gratitude to the Councilmembers who introduced these important pieces of legislation, and to Councilmember Allen for scheduling this hearing and moving these bills forward. My organization, Ward 8 Woods Conservancy, urges passage of all three. My comments are aimed at making the Tree Preservation Act stronger and more likely achieve its intended goal.

In 2023 the Department of Urban Forestry approved the removal of 293 special trees in Ward 8. Just since the start of 2024, they've issued permits for another 70. More than in any other part of the city, Ward 8 has a lot of privately owned, undeveloped lots that are wooded. Many have sat untended for decades, neglected by absentee real estate investors who have ignored repeated outreach from our organization, Ward 8 Woods, and defied citations from the District. Now that property values are up and developers are interested, these same owners are rushing to clear their land of trees to make way for townhouses and apartment buildings.

Chairman Mendelson's proposal includes positive steps including extending Special Tree status to all those with trunk circumference over 25 inches, and increasing the fees charged to developers for cutting Special Trees. But it won't be enough to slow the deforestation we're seeing, and might actually make it worse. If we're serious about protecting the tree canopy we have, the Act should be amended as follows:

1. Forbid the cutting of Heritage Trees. Lines 34-48 of the legislation would undo the current requirement to either preserve or relocate Heritage Trees. It would allow our largest trees to be cut down in exchange for \$350 per inch of circumference, paid into the Heritage Tree Fund, or in exchange for establishing "a perpetual conservation easement on a portion of land in the District, of a size in square feet, equal to the diameter of the Heritage Tree in 45 question in inches multiplied by three." Although we support the idea of using funds from tree cutting permits to purchase conservation easements, the legislation does not explain how these easements will be administered, or by whom. This entire section should be struck and replaced by the provisions described below in my point number 3.
2. Require zoning commission approval for permits to clear land for development.

Right now landowners don't have to cite a reason for cutting down trees; they need only secure permission and pay a fee. Since the Tree law is not integrated with the zoning process, trees are being felled on lots that may not see construction for years, or maybe ever. This needs to change. Owners should be required to show that a project is at least in the pipeline before getting a permit to cut large numbers of trees. That way we could enjoy the benefit of those trees for a while longer, and residents would have the chance, through the zoning process, to seek changes to development plans that would cause significant deforestation.

3. Allow Tree Fund to be used to purchase land and conservation easements.

The bill's proposed fee increases are significant enough to meaningfully increase Tree Fund revenue, but still insufficient to deter major development on wooded land. This being the case, Tree Fund monies should be used to preserve some of the remaining privately owned wooded areas through conservation easements and/or outright purchase by the District. The current proposal hints at this but does not get there - it creates no mechanism to make it happen. This would be an appropriate role for the proposed Office of Natural Areas Conservation. Funds for this purpose should come from the Tree Fund and should not be linked to the cutting of Heritage Trees, which should remain illegal.