



**TESTIMONY OF  
MARK BUSCAINO, EXECUTIVE DIRECTOR  
CASEY TREES**

**OCTOBER 2, 2015**

**COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT  
TREE CANOPY PROTECTION AMENDMENT ACT OF 2015  
B21-0318**

Good afternoon, my name is Mark Buscaino, Executive Director of Casey Trees. Our mission is to restore, enhance, and protect the tree canopy of our nation's capital. I am testifying today in support of the Tree Canopy Protection Amendment Act, with four important modifications.

The Urban Forest Preservation Act of 2002, or the "Tree Bill," has slowed the removal of the city's mature trees and facilitated the planting of thousands more to replace lost tree canopy. Equally important, the Tree Bill has increased public awareness regarding the many benefits trees provide to the urban environment.

Despite these advances, there remain several shortfalls in the Tree Bill which the Tree Canopy Protection Amendment Act of 2015 aims to address. To strengthen the Act and bring the District closer to attaining its 40 percent canopy goal, Casey Trees requests the following modifications:

**1. Reduce the size of a Special Tree from 47" circumference to 40"**

It is impractical to enforce restrictions on cutting down trees smaller than 40" because professional assistance is not always needed. However, for trees 40" or greater a contractor (and a permit) is necessary. Forty inches is therefore a reasonable – and enforceable – minimum.

**2. Close the tree maintenance loophole**

Tree maintenance – which may include costly tree pruning and removals – would quickly drain the Tree Fund and significantly limit its ability to achieve its two main goals: a) to replace canopy lost when Special Trees are removed, and; b) to restore the District's declining overall canopy.

**3. Partition the Tree Fund into two accounts – 50% for tree planting on right-of-ways and other DC lands; 50% for tree planting on private lots**

Since 2002 the Tree Fund has been used exclusively for street tree planting. While use of some Tree Fund dollars for this purpose is reasonable, exclusive use of it is not. This is especially true now, given that street tree boxes are largely filled, and most planting opportunities to expand the city's canopy to meet its 40% goal have shifted to private lands and other DC properties such as schools and parks.

4. **Revise penalties for illegal tree removal to levy fines for both the property owner and the contractor**

Currently the city may penalize either party when a tree is cut down without a permit. Ensuring that both parties are fined will create a strong disincentive for this practice, and serve to further educate both residents and tree care contractors about the city's focus on protection and preservation of its trees.

Before closing, I would like to draw your attention to the support letter received from former Mayor Anthony Williams, now CEO of the Federal City Council, who signed the original Tree Bill into law in 2002.

Thank you.



A CATALYST FOR PROGRESS IN THE NATION'S CAPITAL

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September 18, 2016

Mary Cheh, Ward 3 Council Member  
Chair, Committee on Transportation and the Environment  
1350 Pennsylvania Avenue NW, Suite 108  
Washington, D.C. 20004

**RE: Tree Canopy Protection Amendment Act of 2015; No. B21-0318**

Dear Members of the Committee on Transportation and the Environment:

The Federal City Council applauds the Tree Canopy Protection Amendment Act. The Act provides a much-needed update to the Urban Forest Preservation Act of 2002, better known as the "Tree Bill."

The Amendment Act expands the Urban Forestry Administration's role for planting and maintenance of trees on all District properties, revises out-of-date fees and fines, and similar modifications. However, it could do more. Please consider the following modifications to better protect and restore the City's tree canopy for benefit of future generations:

- **Change the size limit for a Special Tree from 47" circumference to 40".** While it would be impractical to enforce removing trees smaller than 40" because professional assistance is not always needed, trees 40" or greater would require a contractor (and a permit). Forty inches is therefore a reasonable – and enforceable – minimum.
- **Remove the provision that would authorize Tree Fund moneys for tree maintenance.** This would undermine the reason the UFPA was passed in the first place – to replace canopy lost from tree removal by replanting new trees.
- **Partition the Tree Fund into two accounts – 50% for tree planting on right-of-ways and other DC lands; 50% for tree planting on private lots.** The Tree Fund has always been used exclusively to plant street trees. While use of some Tree Fund dollars for this purpose is reasonable, exclusive use of it is not – especially given that most planting opportunities have shifted to parks and private lands.

Thank you for your consideration.

Sincerely,

Anthony A Williams  
Chief Executive Officer