STATE OF NEW YORK

6786

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to enacting the "New York urban and community tree planting and forestry program act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "New York urban and community tree planting and forestry program act".

§ 2. Article 9 of the environmental conservation law is amended by adding a new title 23 to read as follows:

TITLE 23

NEW YORK URBAN AND COMMUNITY TREE PLANTING AND FORESTRY PROGRAM

Section 9-2301. Urban and community tree planting and forestry program.
9-2303. Urban tree planting study and working group.
9-2305. Program requirements.
9-2307. Urban forestry volunteer program.
9-2309. Program goals.
9-2311. Program grants; fund established.

§ 9-2301. Urban and community tree planting and forestry program.

1. For the purposes of this title:

a. "Disadvantaged community" shall have the same meaning as defined in section 75-0111 of this chapter.

b. "Program" shall mean the New York urban and community tree planting and forestry program described in subdivision two of this section.

c. "Working group" shall mean the working group established pursuant to section 9-2303 of this title.

2. The department, in cooperation with the department of agriculture and markets, shall establish and implement a program of education and

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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technical assistance for urban and community forestry and tree planting projects. Such program shall be designed to:

a. assist urban areas and communities in conducting inventories of their forest resources, including inventories of the species, number, location, and health of trees in urban areas and communities, identifying opportunities for the establishment of plantings for the purposes of conserving energy, and determining the status of related resources, including but not limited to fish and wildlife habitat, water resources, and trails;

b. assist state and local organizations including, but not limited to community associations and schools in organizing and conducting urban and community forestry projects and programs;

c. improve education and technical support in:

i. selecting tree species appropriate for planting in urban and community environments and for promotion of energy conservation;

ii. providing for proper tree planting, maintenance, and protection in urban areas and communities;

iii. protecting individual trees and preserving existing open spaces with or without tree cover; and

iv. identifying opportunities for expanding tree cover in urban areas and communities;

d. assist in the development of state and local management plans for trees and associated resources in urban areas and communities;

e. increase public understanding of the energy conservation, economic, social, environmental, and psychological values of trees and open space in urban areas and communities;

f. develop a legacy tree program for public and privately owned trees within urban areas and communities, which shall include but not be limited to the development of appropriate forms, formal designation processes, mapping and signage acknowledging such trees and the incorporation of such legacy tree program into local laws and ordinances providing for specific protections for such legacy trees;

g. develop an urban forestry volunteer program to identify and address the unique needs of specific urban areas and communities and provide for the recruitment and training of volunteers who are committed to a regular routine and work schedule to perform required tasks;

h. identify and map all naturalized woodlands on public property; and

i. identify and map all naturalized woodlands on private property in excess of one acre.

§ 9-2303. Urban tree planting study and working group.

1. Not later than December thirty-first, two thousand twenty-four, the department, in consultation with the commissioner of agriculture and markets, shall complete a study on the implementation of a comprehensive statewide community and urban tree planting program.

2. In conducting such study, the department shall consult with individuals, including academics and experts from nongovernmental organizations, having expertise in forest sustainability, biodiversity, and climate science, as well as representatives of indigenous communities located within boreal regions, and shall hold at least one public hearing, and may base study findings on existing literature, provided, however, that the department shall consult with the working group established by subdivision three of this section no later than sixty days prior to the completion of the study and consulted prior to the implementation of any statewide plan developed pursuant thereto.

3. The department shall establish a working group consisting of fifteen members to be appointed by the commissioner as follows:

a. Two members representing national nonprofit forestry and conservation citizen organizations;

b. Three members, one representing the state government, one representing county governments, and one representing city, town and village governments;

c. One member representing horticultural industries, including but not limited to urban forestry products, nurseries, tree care and landscaping services and other forestry related interests;

d. One member representing urban forestry, landscape, or design consultants;

e. Two members representing academic institutions with expertise in urban and community forestry activities;

f. One member representing forest resources related agencies and organizations in this state;

g. One member representing a professional renewable natural resource or arboricultural society;

h. One member representing the National Institute of Food and Agriculture of the United States Department of Agriculture;

i. One member representing the United States Forest Service; and

j. Two members who are not officers or employees of any governmental body who have expertise and have been active in urban and community forestry, one of whom shall be a resident of a community with a population of less than fifty thousand as of the most recent census.

§ 9-2305. Program requirements.

1. Every tree purchased pursuant to the program established by this title shall be in compliance with all applicable requirements set forth in the latest edition of the American Standard for Nursery Stock (ANSI Z60.1), as revised from time to time by the American Horticulture Industry Association or a successor entity thereto.

2. Every such tree shall be purchased from a nursery grower or nursery dealer registered pursuant to the provisions of article fourteen of the agriculture and markets law or otherwise certified by the country, state or province of origin pursuant to section one hundred sixty-three of the agriculture and markets law. The requirements of this subdivision shall be posted in all bidding documents.

3. Every tree proposed to be planted in a naturalized area shall be from seed sourced locally. For the purposes of this section seed is sourced "locally" if it originated within one hundred fifty miles of the location where such tree is proposed to be planted.

4. Trees planted across public and private property shall reflect species diversity to the maximum extent practicable.

5. Every tree planted or replanted shall be cared for and maintained in compliance with the standards and practices set forth in the latest edition of the American National Standard for Tree Care Operations (ANSI A300), as revised from time to time by the Tree Care Industry Association or a successor entity thereto.

6. Nothing in this section shall authorize the sale, purchase, possession, propagation, introduction, importation, transport and disposal of an invasive species prohibited in accordance with the provisions of title seventeen of this article or otherwise prohibited by federal law, rule or regulation.

§ 9-2307. Urban forestry volunteer program.

1. The department shall establish a program to recruit and train volunteers who reside in urban areas and communities to identify and address the specific needs of such urban areas and communities and to

provide regular assistance to department staff in carrying out the provisions of this title.

2. The department, in consultation with the department of agriculture and markets and the commissioner of parks, recreation and historic preservation, shall provide appropriate training to volunteers and staff relating to forestry and tree planting. Such training shall include but shall not be limited to detection and rapid response to potential problems including, but not limited to the implementation of disaster protocols for dealing with woody materials and other practices and standards established by the American National Standards Institute editions identified in subdivisions one and five of section 9-2305 of this title.

§ 9-2309. Program goals.

Notwithstanding any contrary provision of this title, the department shall invest or direct available and relevant program resources in a manner designed to achieve a goal for disadvantaged communities to receive forty-five percent of overall benefits of spending on the program, including but not limited to any workforce development, pollution reduction, inventory, and economic development resulting from such spending; provided, however, that disadvantaged communities shall receive no less than forty percent of the overall benefits of spending on the urban and community tree planting and forestry program, and provided further that this section shall not alter funds already contracted or committed as of the effective date of this section.

§ 9-2311. Program grants; fund established.

1. The commissioner is hereby authorized to utilize funds in the New York urban and community tree planting and forestry program fund, established by section ninety-nine-qq of the state finance law, for the purposes of establishing and implementing the urban and community tree planting and forestry program established pursuant to this title.

2. Such fund shall consist of moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law. Nothing contained herein shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. Moneys shall be paid out of the fund on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner or the commissioner's designee in a manner consistent with rules and regulations adopted for such purpose by the department in consultation with the working group.

4. Moneys of such fund shall be awarded annually to eligible communities and organizations, on a competitive basis, for urban and community forestry projects in accordance with rules and regulations adopted by the department for such purpose after consultation with the working group and in a manner consistent with the goals set forth in section 9-2309 of this title.

§ 3. The state finance law is amended by adding a new section 99-qq to read as follows:

§ 99-qq. New York urban and community tree planting and forestry program fund. 1. There is hereby established in the joint custody of the state comptroller and commissioner of taxation and finance a special fund to be known as the "New York urban and community tree planting and forestry program fund" or the "fund".

2. Such fund shall consist of all revenues received by the comptroller and all other moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests

for the purposes of the fund and depositing them into the fund according to law.

3. Moneys shall be paid out of the fund on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of environmental conservation or the commissioner of environmental conservation's designee.

4. Moneys of the fund shall be available to the commissioner of environmental conservation for the purposes of administering the urban and community tree planting and forestry program in accordance with title twenty-three of article nine of the environmental conservation law, including the awarding of grants in support of projects undertaken by eligible communities and organizations pursuant to section 9-2311 of the environmental conservation law.

§ 4. This act shall take effect immediately.