

A-Engrossed House Bill 3016

Ordered by the House March 20
Including House Amendments dated March 20

Sponsored by Representative PHAM K, Senator DEMBROW, Representative GAMBA; Representatives ANDERSEN, DEXTER, EVANS, GRAYBER, HELM, HUDSON, NERON, NGUYEN H, REYNOLDS, Senators GELSER BLOUIN, JAMA (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Community Green Infrastructure Grant Program. **Authorizes Department of Land Conservation and Development to appoint Advisory Committee on Community Green Infrastructure Investment.**

Establishes Community Green Infrastructure Fund.
[Establishes Community Green Infrastructure Task Force.]

Directs State Department of Agriculture to certify certain nurseries as green communities nurseries.

Directs State Forestry Department to acquire and maintain urban tree canopy assessment tool. Directs department to develop *[emerald ash borer assistance program]* **and implement program for technical and financial assistance for planning, response and recovery activities related to loss of tree canopy.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to green infrastructure; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. The Legislative Assembly finds and declares that:**

5 (1) **The purpose of community green infrastructure projects and green infrastructure**
6 **economic development projects is to provide direct social, environmental and economic ben-**
7 **efits to communities across this state through green infrastructure.**

8 (2) **The social, environmental and economic benefits of green infrastructure to commu-**
9 **nities include, but are not limited to:**

10 (a) **Climate change mitigation, adaptation and resilience;**

11 (b) **Stormwater management;**

12 (c) **Air temperature regulation;**

13 (d) **Air quality benefits;**

14 (e) **Noise abatement;**

15 (f) **Energy savings;**

16 (g) **Economic development opportunities;**

17 (h) **Public or community health benefits;**

18 (i) **Support for community food pathways through regenerative agriculture;**

19 (j) **Water quality improvements, including temperature regulation;**

20 (k) **Water conservation;**

21 (L) **Erosion control;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (m) Park and open space benefits;
- 2 (n) Urban forest benefits;
- 3 (o) Restoration of floodplain functions;
- 4 (p) Restored or expanded wetlands and riparian areas;
- 5 (q) Habitat improvements;
- 6 (r) Aquifer recharge that does not include an extractive or consumptive use of the
- 7 aquifer;
- 8 (s) Stream flow augmentation;
- 9 (t) Carbon sequestration;
- 10 (u) Community livability;
- 11 (v) Local jobs; and
- 12 (w) The use of plants and food in maintaining social and environmental identity and
- 13 lifeways.

14 **SECTION 2. As used in sections 1 to 5 of this 2023 Act:**

15 (1) “Community green infrastructure project” means a green infrastructure project that

16 provides social, environmental or economic benefits to a particular community and is devel-

17 oped through a collaborative process that helps to define those benefits.

18 (2) “Environmental justice community” has the meaning given that term in ORS 182.535.

19 (3) “Green communities nursery” means an Oregon nursery certified by the State De-

20 partment of Agriculture under section 6 of this 2023 Act.

21 (4) “Green infrastructure” means:

22 (a) Green infrastructure as defined in ORS 550.160; or

23 (b) Infrastructure that:

24 (A) Mimics natural systems, or enables natural systems to be less stressed through wa-

25 ter conservation, water protection or ecosystem restoration, at the neighborhood or site

26 scale as part of an integrated approach in residential, municipal or industrial developments

27 or water infrastructure; and

28 (B) Implements community-based concepts, principles and practices to conserve and

29 manage resources for future generations, sequester carbon and provide environmental and

30 social benefits.

31 (5) “Green infrastructure economic development project” means a community green

32 infrastructure project that employs members of a community that benefits from the com-

33 munity green infrastructure project in the development, construction, planting or mainte-

34 nance of the project.

35 (6) “Green infrastructure improvement zone” means an area designated by the State

36 Forestry Department under section 7 of this 2023 Act.

37 (7) “Green infrastructure master plan” means a long-term plan developed by a public

38 body or tribal government that involves the creation, protection or enhancement of green

39 infrastructure, including but not limited to:

40 (a) An urban forestry plan;

41 (b) A storm water management plan; and

42 (c) A plan to establish parks or other public green spaces.

43 (8) “Indian tribe” means a federally recognized Indian tribe in Oregon.

44 (9) “Native plant nursery” means an Oregon nursery that specializes in plants native to

45 Oregon.

1 (10) "Native seed bank" means a store of seeds from native plants that helps to:

2 (a) Preserve genetic diversity in those plant species to increase plant yield and health,
3 including disease resistance and drought tolerance;

4 (b) Hold seeds and plants for the restorative health of a community; or

5 (c) Support the replanting of post-fire successional plants.

6 (11) "Oregon nursery" means:

7 (a) A person that holds a license required by ORS 571.055 issued by the State Department
8 of Agriculture; or

9 (b) A nursery operated by an Indian tribe, an entity wholly owned by an Indian tribe or
10 an enrolled member of an Indian tribe and operated on the tribe's reservation or trust land.

11 (12) "Public body" has the meaning given that term in ORS 174.109.

12 **SECTION 3.** (1) The Community Green Infrastructure Grant Program is established as
13 a program administered by the Department of Land Conservation and Development for the
14 purpose of awarding grants for:

15 (a) Offsetting the cost of planning and developing community green infrastructure
16 projects or green infrastructure economic development projects;

17 (b) Developing or supporting native seed banks or native plant nurseries; or

18 (c) Supporting and implementing green infrastructure master plans.

19 (2) The Department of Land Conservation and Development may enter into intergovern-
20 mental agreements under ORS chapter 190 with the Oregon Health Authority, the Oregon
21 Business Development Department, the Bureau of Labor and Industries, the State Depart-
22 ment of Agriculture, the Oregon Watershed Enhancement Board, the Department of Envi-
23 ronmental Quality, the State Parks and Recreation Department or an Indian tribe for the
24 purposes of assistance with:

25 (a) The design and implementation of the Community Green Infrastructure Grant Pro-
26 gram;

27 (b) Readiness to acquire and administer federal funding related to green infrastructure
28 projects; or

29 (c) Technical advice or feedback on the grant review process established under this sec-
30 tion.

31 (3) The Department of Land Conservation and Development shall enter into an intergove-
32 nmental agreement under ORS chapter 190 with the State Forestry Department for the
33 purposes of assistance with:

34 (a) The design and implementation of the Community Green Infrastructure Grant Pro-
35 gram;

36 (b) Readiness to acquire and administer federal funding related to green infrastructure
37 projects; and

38 (c) Technical advice or feedback on the grant review process established under this sec-
39 tion.

40 (4) The Department of Land Conservation and Development shall enter into an intergove-
41 nmental agreement under ORS chapter 190 with the Department of Transportation for the
42 purposes of assistance with:

43 (a) Technical advice regarding state transportation facilities and rights of way as they
44 relate to the design and implementation of the Community Green Infrastructure Grant
45 Program;

1 **(b) Readiness to acquire and administer federal funding related to green infrastructure**
2 **projects; and**

3 **(c) Technical advice or feedback on the grant review process established under this sec-**
4 **tion.**

5 **(5)(a) A public body, a local workforce development board as defined in ORS 660.300, a**
6 **manufactured dwelling park nonprofit cooperative as defined in ORS 62.803, an Indian tribe,**
7 **a watershed council as defined in ORS 541.890, a nonprofit organization or a faith-based or-**
8 **ganization may apply for a grant under this section for the purpose of planning or developing**
9 **a community green infrastructure project or a green infrastructure economic development**
10 **project.**

11 **(b) An applicant for a grant for a community green infrastructure project or a green**
12 **infrastructure economic development project may partner with a state agency, a private**
13 **business with a business site in this state or an owner of rental property in this state.**

14 **(c) A grant for an approved application for a community green infrastructure project or**
15 **a green infrastructure economic development project will be awarded and released only to**
16 **an applicant described in paragraph (a) of this subsection.**

17 **(d)(A) An application for a community green infrastructure project or a green**
18 **infrastructure economic development project must be drafted in consultation with the gov-**
19 **ernment of the city or county in which the project will be located and with the electric and**
20 **water utilities in whose service territory the project will be located.**

21 **(B) An application must include documentation of the consultations described in this**
22 **paragraph and demonstrate that feedback received as a result of consultation was incorpo-**
23 **rated into the application materials. If the application does not incorporate feedback from a**
24 **consulted party into the application, the applicant must provide an explanation of why the**
25 **feedback was not incorporated or provide a statement that no feedback was received from**
26 **that party.**

27 **(6)(a) An application for a grant under this section shall be in the form and manner**
28 **prescribed by the Department of Land Conservation and Development.**

29 **(b) An application for a grant to plan or develop a community green infrastructure**
30 **project or a green infrastructure economic development project must demonstrate that the**
31 **project:**

32 **(A) Is located in this state;**

33 **(B) Provides social, environmental or economic benefits to an environmental justice**
34 **community;**

35 **(C) Except for projects developed by an Indian tribe, has been or will be developed in**
36 **coordination with an environmental justice community that will benefit from the completion**
37 **of the project; and**

38 **(D) Has a plan for the maintenance of the project for at least three years or has re-**
39 **quested technical assistance for maintenance planning.**

40 **(c) An application for a grant for a native seed bank or native plant nursery must dem-**
41 **onstrate that the applicant qualifies as a native seed bank or a native plan nursery.**

42 **(d) An application for a grant for a green infrastructure master plan must demonstrate**
43 **how the long-term plan of the public body or tribal government involves the creation, pro-**
44 **tection or enhancement of green infrastructure.**

45 **(7) Upon receipt of an application submitted under this section, the Department of Land**

1 Conservation and Development shall review the application and determine whether the ap-
2 plicant is eligible to receive a grant from the Community Green Infrastructure Grant Pro-
3 gram. The department may award grants based on the prioritizations established under
4 subsection (8) of this section. If the department denies a grant application, the department
5 shall provide the reason for the denial in writing.

6 (8) In awarding grants under the Community Green Infrastructure Grant Program, the
7 Department of Land Conservation and Development may give priority to projects:

8 (a) Involving large, low-maintenance, storm- and drought-resistant tree plantings;

9 (b) Involving plantings that include native plants or pollinator-friendly species;

10 (c) Involving tree plantings at or near school campuses, affordable housing, senior
11 housing, manufactured dwelling parks, recreational vehicle parks or public rights of way;

12 (d) That strengthen communities and fight displacement;

13 (e) That develop innovative solutions for using urban woody biomass;

14 (f) That are carried out by a city that has adopted a plan to increase urban tree canopy
15 cover and has entered into a long-term agreement with an Oregon nursery to supply trees
16 needed to carry out the plan; or

17 (g) That utilize a community's cultural practices to educate, and conserve and manage
18 resources for, future generations.

19 (9) To the maximum extent possible, community green infrastructure projects and green
20 infrastructure economic development projects shall:

21 (a) Minimize the vehicle miles traveled associated with all plant and tree stocks utilized
22 in the project;

23 (b) Include partnerships with green communities nurseries or nurseries defined in sec-
24 tion 2 (11)(b) of this 2023 Act;

25 (c) Utilize native plant stock that is grown from native seed banks or native seed recov-
26 ery and planting efforts; and

27 (d) Utilize climate-adaptive plant stock that is regionally native, drought and disease
28 tolerant and noninvasive.

29 (10) To the maximum extent possible, community green infrastructure projects and green
30 infrastructure economic development projects that occur on school campuses shall incorpo-
31 rate a curriculum or demonstration component to connect students to the project and pro-
32 vide education about:

33 (a) Green infrastructure;

34 (b) Careers in green infrastructure; and

35 (c) Cultural practices to educate, and conserve and manage resources for, future gener-
36 ations.

37 **SECTION 4.** (1) The Community Green Infrastructure Fund is established in the State
38 Treasury, separate and distinct from the General Fund. Interest earned by the Community
39 Green Infrastructure Fund shall be credited to the fund. Moneys in the fund are continuously
40 appropriated to the Department of Land Conservation and Development for the purpose of
41 carrying out section 3 of this 2023 Act, subject to the allocations described in subsection (2)
42 of this section.

43 (2) Of the moneys in the fund:

44 (a) 30 percent shall be allocated for grants to be awarded for planning or developing green
45 infrastructure economic development projects;

1 (b) 40 percent shall be allocated for grants to be awarded for entities or projects located
2 in green infrastructure improvement zones; and

3 (c) 30 percent shall be allocated for grants to be awarded to entities or projects in tribal,
4 rural, remote or coastal communities.

5 **SECTION 5.** (1) The Department of Land Conservation and Development may appoint an
6 Advisory Committee on Community Green Infrastructure Investment to provide consultation
7 on the implementation of section 3 of this 2023 Act. A committee appointed under this sec-
8 tion shall consist of at least one representative of each of the following interests:

9 (a) City governments;

10 (b) County governments;

11 (c) Special districts, irrigation districts or transportation districts;

12 (d) School districts;

13 (e) Environmental justice communities;

14 (f) The Oregon nursery industry;

15 (g) Educational institutes that train professionals in horticulture, urban forestry or other
16 green infrastructure professions;

17 (h) State or local parks and recreation agencies;

18 (i) Individuals with expertise in designing, constructing and maintaining green
19 infrastructure;

20 (j) Individuals with expertise in the public or community health benefits of green
21 infrastructure;

22 (k) Individuals with expertise in green workforce development or social enterprise mod-
23 els; and

24 (L) Individuals with expertise in green infrastructure projects in tribal, rural, remote or
25 coastal communities.

26 (2)(a) The department shall invite each of the federally recognized Indian tribes in Oregon
27 to participate in the advisory committee.

28 (b) Invitation to participate in the advisory committee is not in lieu of other forms of
29 tribal consultation, outreach or engagement that the department may engage in as necessary
30 to fulfill the purposes of sections 1 to 5 of this 2023 Act.

31 (3) No later than September 15 of each even-numbered year, the advisory committee shall
32 submit a report on the implementation of the Community Green Infrastructure Grant Pro-
33 gram to the appropriate interim committees of the Legislative Assembly, in the manner
34 provided by ORS 192.245.

35 **SECTION 6.** (1) As used in this section, "Oregon nursery" has the meaning given that
36 term in section 2 of this 2023 Act.

37 (2) The State Department of Agriculture shall certify an Oregon nursery as a green
38 communities nursery if the nursery:

39 (a) Has practices in pest and disease management that satisfy standards established by
40 the department;

41 (b) Materially demonstrates a history of compliance with the rules and other require-
42 ments of state and local agencies with oversight regarding workers' compensation, building
43 codes and occupational safety and health over a period of seven years or the life of the
44 nursery, whichever is shorter;

45 (c) Materially demonstrates a history of compliance with federal and state wage and hour

1 laws over a period of seven years or the life of the nursery, whichever is shorter; and

2 (d) Grows and maintains noninvasive nursery stock for the purposes of partnering with
3 communities or public bodies on green infrastructure projects.

4 (3) An Oregon nursery may apply for certification under this section in the form and
5 manner prescribed by the department.

6 **SECTION 7.** (1) The State Forestry Department shall acquire and maintain a statewide
7 urban tree canopy assessment tool.

8 (2) The assessment tool must provide geospatial mapping that includes:

9 (a) A visualization of urban tree canopies, viewable at the census tract level;

10 (b) Community demographic, economic, social and health data;

11 (c) A comprehensive inventory of tree canopies on public lands;

12 (d) Rights of way and their associated jurisdictions;

13 (e) An urban green space assessment that includes an evaluation of vegetation health and
14 a comparison of pervious surfaces to impervious surfaces within the green space; and

15 (f) An assessment of tree canopy and green space in the urban-rural gradient.

16 (3) The department may integrate the urban tree canopy assessment tool with data from
17 other agency mapping tools, including the environmental justice mapping tool developed
18 pursuant to section 12, chapter 58, Oregon Laws 2022.

19 (4) The department shall make the urban tree canopy assessment tool available on a
20 website maintained by the department, along with guidance for using the tool to promote
21 environmental, social and economic well-being.

22 (5) Using the urban tree canopy assessment tool, the department shall designate as green
23 infrastructure improvement zones areas of this state that have a high level of poverty den-
24 sity and any of the following:

25 (a) Low levels of tree canopy cover;

26 (b) Poor vegetation health;

27 (c) High risk of pests, disease or other threats to plant life; or

28 (d) Other needs for revegetation or holistic native plant restoration.

29 **SECTION 8.** (1) The State Forestry Department shall develop and implement a program
30 to provide technical and financial assistance to public bodies as defined in ORS 174.109, tribal
31 governments, watershed councils as defined in ORS 541.890 and community-based organiza-
32 tions for planning for, responding to and recovering from damage to habitats and urban tree
33 canopies due to pests, diseases or other natural or human-created conditions that lead to
34 loss of tree canopy, including but not limited to:

35 (a) Emerald ash borer infestation;

36 (b) Japanese beetle infestation;

37 (c) Sudden Oak Death;

38 (d) Pine bark beetle infestation;

39 (e) Climate change;

40 (f) Drought; or

41 (g) Wildfire.

42 (2) The program may include, but need not be limited to, assistance for:

43 (a) Vulnerability assessments;

44 (b) Tree inventories;

45 (c) Response and recovery plan development;

1 **(d) Community engagement and community-led strategies; and**

2 **(e) Tree removal and replanting with species that are resistant to disease, pest and**
3 **drought.**

4 **(3) The department shall coordinate with the State Department of Agriculture to support**
5 **program activities related to any pests or diseases subject to quarantine under the laws of**
6 **this state or of the United States.**

7 **SECTION 9. This 2023 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
9 **on its passage.**

10