

## **“MITREES”: TREE PLANTING GRANTS**

### **House Bill 4875 (Substitute H-2) First Analysis (2-17-00)**

**Sponsor: Rep. Steve Vear**  
**Committee: Agriculture and Resource  
Management**

#### ***THE APPARENT PROBLEM:***

A 1994 survey of “street trees” in 20 Michigan cities (see BACKGROUND INFORMATION) concluded that, with almost half of the live trees (49.15 percent) ranked in fair or poor condition, and with half of the available planting sites (50.95 percent) empty, a formal tree management and planting plan appeared necessary if Michigan were to maintain the continuity of urban forest cover as declining trees were removed. In addition, since 1994 various areas in Michigan have been hit by devastating high wind storms that resulted in enormous damage to trees, both in urban and non-urban areas. So the need for replacement planting is even greater than the 1994 report anticipated. Despite this need, however, existing state and federal programs do not seem to be focused on tree planting so much as on education and outreach programs, so legislation has been introduced that focuses specifically and narrowly on tree planting.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Natural Resources and Environmental Protection Act to establish a new program to provide grants to local governments for the purchase of trees to be planted on public lands. The program, to be called the “Michigan Trees for the Twenty-First Century Grant Program” or “MITREES,” would be created in the Department of Natural Resources. The bill would create an 11-member “Michigan Trees for the Twenty-First Century Board” appointed by the governor, a “MITREES Selection Committee” appointed by the board to review grant applications, and a “MITREES Fund” in the Department of the Treasury.

Board. The bill would create a “Michigan Trees for the Twenty-First Century” board to establish and administer a “Michigan Trees for the Twenty-First Century Grant Program.” The board would set policy

and oversee “MITREES,” and would appoint a “MITREES Selection Committee” to review grants and make recommendations to the board.

The board would have 11 members, appointed by the governor, as follows:

- At least four but no more than six citizens from the private sector, such as community leaders, foresters, people representing statewide tree and urban forester associations, and other interested individuals;
- At least four but no more than six local government officials, such as city planners, urban foresters, and members of city or village councils, township boards, and county boards of commissioners; and
- One or two individuals from state government.

Board members would have to be appointed within 30 days of the effective date of the bill, and would serve staggered two-year terms. Vacancies would be filled in the same manner as original appointments to the board. The governor could remove a board member for incompetency, dereliction of duty, malfeasance, or nonfeasance in office, or for any other good cause.

The governor would call the first meeting of the board, which would elect officers and meet at least semiannually or more frequently at the call of the chairperson or by six or more members. A majority of members serving would constitute a quorum for the transaction of business; a majority of the members present and serving would be required for official action of the board. The board would be subject to the Open Meetings Act, and its writings would be subject to the Freedom of Information Act. Board members would serve without compensation, but could be reimbursed for actual and necessary expenses.

Selection committee. The MITREES Selection Committee appointed by the board would be composed of members of the board and of individuals with knowledge and expertise in forestry. The selection committee would review grant applications received by the board and make recommendations to the board on which grant applications the committee believed should be approved. At the direction of the board, the selection committee would meet to review MITREES grant applications. Selection committee meetings would be subject to the Open Meetings Act. The selection committee would have to (1) review all applications submitted to the board for MITREES grants and (2) make recommendations to the board on which grant applications the committee believed should be approved.

In making its recommendations, the selection committee would be required to consider all of the following:

- The adequacy of the tree planting plan;
- The amount of the grant requested;
- Whether the applicant previously applied for and did not receive a grant;
- The extent to which the issuance of a grant contributes to a proportional distribution of grants throughout the state; and
- Other criteria considered necessary by the committee.

Grant program. The board would be required to establish and administer a grant program for the purchase of trees to be planted only on public lands or on lands subject to an easement for public use. A grant could not exceed \$30 per tree, adjusted each year for inflation.

A local government or a “person” (not defined in the bill) appointed by a local government could apply for MITREES grants by submitting an application containing a tree planting plan and other information required by the board. The tree planting plan would have to have been reviewed and approved by the Michigan State University Extension Service, the Michigan State University Forestry Department, a conservation district, a conservation district regional officer, or an urban tree expert. At a minimum, a tree planting plan would have to specify all of the following:

- The species of trees proposed to be planted;
- The location where the trees are proposed to be planted;
- The method of planting the trees;
- A description of how the trees would be cared for after planting; and
- A plan for reporting on the viability of the trees during the two-year period after planting.

When the board received a grant application, it would be required to forward the application to the selection committee. When the board received the selection committee’s recommendations, the board would be required to issue MITREES grants “as it consider[ed] appropriate.” An applicant who was denied a grant could submit a request to the board for reconsideration.

Grant requirements. The board would have to require, as a condition of an MITREES grant, that a grant recipient do all of the following: a) plant all trees prior to Memorial Day or other date approved by the board; b) submit a planting report within 30 days after planting; and c) submit an annual report containing information required by the board describing the number of trees planted, the condition of the trees, and the number of trees surviving.

MITREES fund. The bill would create the MITREES fund in the Department of Treasury. The state treasurer would direct the investment of the fund, which could receive money or assets from any source. Interest and earnings on the fund’s investments would be credited to the fund. Money in the fund at the close of a fiscal year would not lapse to the general fund.

Money in the fund could be expended upon appropriation only for making grants as provided in the bill.

Sunset date. The bill would be repealed ten years after it took effect.

MCL 324.52801-324.52808

## ***BACKGROUND INFORMATION:***

1994 Michigan street tree survey. A survey was done of 20 randomly selected Michigan communities as part of a national effort promoted by American Forests and the Forestry Department at Michigan State University

in order to provide a quick, general assessment of the state of Michigan's urban forests. (The 20 cities were Ann Arbor, Battle Creek, Cedar Springs, Cheboygan, Detroit, East Lansing, Elk Rapids, Grand Rapids, Grosse Pointe Woods, Lincoln Park, Livonia, Manistee, Manistique, Pontiac, Saginaw, Sparta, Southfield, Standish, Warren, and Woodhaven.) The survey report, "1994 Forest Health Report: Urban Forests," noted that much of the existing urban forest in Michigan was composed of mature maples planted in the early part of the twentieth century. That meant that Michigan communities were faced with the loss of a substantial portion of their street tree population over the next ten to fifteen years unless there were an immediate, concentrated tree planting effort.

The survey tallied 6,495 live trees, 36 dead trees, and 6,710 available planting spaces. The most common tree species found were the Norway maple, silver maple, green ash, sugar maple, honeylocust and cultivars, red maple, crab apple, Bradford pear, white ash, littleleaf linden, sycamores, American elm, Siberian elm, red oak, horsechestnut, and box elder.

On average, the survey found that the percentage of available planting sites was almost 51 percent of the areas surveyed. The percentage of available planting sites varied from 85.08 percent in Manistique to 19.71 percent in Grosse Pointe Woods, though the majority of cities fell between 40 and 60 percent. Planting site availability took into consideration the presence of at least a three-foot tree lawn, practical location regarding utilities, pedestrian access and vehicular traffic patterns, and the existing adjacent private landscaping.

The survey estimated that there were 1,674,032 street trees in Michigan, with about half as many saplings and twice as many medium sized trees as a natural forest. The condition of the trees was rated as "excellent" (16.47 percent), "good" (34.38 percent), "fair" (28.44 percent), and "poor" (20.71 percent). The majority of the trees in poor condition were mature trees over 24 inches in diameter.

At the time of the report in 1994, the average of all cities reporting the number of trees planted and removed showed a two-year trend to plant about as many trees as were removed (with the average planting/removal ratio being 1.01, though Detroit's ratio was 1.7). However, as the report on the survey points out, even if the same number of trees were being planted as were being removed this did not always lead to a city-wide reforestation process, as casual observation showed concentrated planting efforts in

conjunction with construction projects while removals occurred throughout a city. And even assuming no change in the planting/removal ratio, the report indicated that it still would take several hundred years to reach full stocking of Michigan city streets.

The report also noted that different combinations of the usual urban forest problems appeared in all communities: restricted planting areas, compacted soils, poor species/site selection, mechanical damage to lower trunk areas from motor vehicles and lawn maintenance equipment, poor branch structure from lack of corrective pruning early on, and disease and insect infestations in the large wounds resulting from removal of limbs on mature trees that should have been taken care of when the trees were younger and better able to callous over the wound area.

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the proposed program would supplement the current urban tree planting program administered by the Department of Natural Resources. The fiscal year 1999-2000 appropriation for these grant programs includes \$400,000 through the federal Urban Forestry Grants program. (The department received \$285,000 in fiscal year 1998-99.) An additional \$540,000 general fund increase is included in the fiscal year 2000-2001 governor's budget recommendation for the Forest Management Division. The annual grant level is not identified in the bill, and there is no identified revenue source for the proposed fund. (2-16-00)

### ***ARGUMENTS:***

#### ***For:***

There is a significant need for healthy trees in urban areas and local communities. Trees provide environmental benefits (including oxygen, erosion control, and shading), economic benefits, and aesthetic values which contribute to the quality of life for urban and suburban citizens. The bill would provide money for trees and would leverage local support. Despite the obvious and pressing need for urban tree plantings, existing state and federal programs appear to be focusing their attention and funding primarily on educational and outreach efforts, and not on the actual planting of trees. Reportedly, although the Department of Natural Resources has received over a million and a half dollars in federal Urban Forestry grant funds, because the goal of this federal program is to provide "seed" money, only 20 percent of these federal dollars

can go toward actual tree planting. The rest of the federal money must go toward education and technical training. So a new program specifically dedicated to tree planting alone would greatly improve the number of trees actually planted, and would begin to address the pressing need for reforesting Michigan's urban and suburban forests.

***Against:***

There already is in existence a partnership network consisting of the Departments of Natural Resources (DNR) and Agriculture (MDA), Michigan State University Extension and Department of Forestry, and local conservation districts. This partnership, known as the Cooperative Resource Management Initiative, was established in fiscal year 2000, and combines components of the MDA's Forest Stewardship program and the DNR's Private Lands (Wildlife Division) and Cooperative Forestry (Forest Management Division) programs to provide technical assistance and outreach not only to private forest landowners, but also to cities and communities. Funding for the program in fiscal year 2000 combined funds from the Department of Agriculture and the \$1.25 million appropriated to the Department of Natural Resources to strengthen the program and expand it to all 83 counties. The program supports 31 "resource professionals," who are housed in local conservation districts and who serve as a point of contact for landowners, citizens, and communities, providing technical assistance and information. The first year of the program, in fiscal year 2000, focuses on establishing local programs, developing networks, and outreach to communities, landowners, homeowners, and individuals, while the second year of the program, fiscal year 2001, will focus on developing and ensuring that quality information, technical expertise and support are provided to clients, and establishing a tree planting program that would highlight urban and suburban communities across the state. In fiscal year 2001, the executive budget has proposed \$540,000 for "Cooperative Resource Program Enhancement."

The bill would establish a new program in the Department of Natural Resources and provide reimbursement to the proposed board for "actual and necessary expenses," but would not provide new funding for the proposed new program, so resources from existing programs in the department would need to be diverted to support the proposed board and program. The department also presumably would be required to provide staffing, supplies, and technical assistance to the proposed board and the proposed selection committee. But why create an entirely new

program -- and set up a new board and a new committee -- when a new cooperative program already is in place and beginning to function? The Departments of Natural Resources and Agriculture have just recently engaged in a major effort to restructure their agencies' efforts in the field to coordinate and strengthen the provision of resources to local governments, groups, and individual landowners. Rather than reinventing the wheel, why not just support existing efforts by state agencies?

***Response:***

Proponents of the bill believe that existing programs, while providing education and technical assistance, do not pay enough attention to actual tree planting. The proposed program is narrowly focused: it would not provide either education or outreach, but rather would zero in on providing grants specifically to plant trees. There already is considerable expertise across the state and in communities, many of whom have their own foresters, so that the time has come to focus on the goal of reforesting Michigan's communities through a program specifically devoted to tree planting.

***Against:***

The bill appears to have a number of technical and other problems. For example, it doesn't require the proposed board to have any expertise in forestry, grant evaluation, or urban planning (though it gives examples of members who could have such expertise it does not specifically require that expertise); it doesn't specify the number of members on the proposed grant selection committee to be appointed by the board, nor does it require the proposed committee to abide by the Freedom of Information Act. The bill also doesn't require that at least one member of the proposed board be appointed from the of the Department of Natural Resources (it only would require "1 or 2 individuals from state government"). The bill also would allow both local units of government or a "person" authorized by a local government to submit an application. It seems likely that this provision may raise liability concerns for local governments. Finally, concerns were raised over the lack of formal accountability in the bill for the expenditure of the proposed fund money. Would the fund, for example, be subject to audits by the state auditor general? Without adequate accountability, the proposed fund could be misused, intentionally or not.

***Response:***

The partnership between local units of government and community groups is very important, and one which the bill would both recognize and encourage. Involving local groups is something that many communities

already do, and the bill would simply allow local governments to continue to do this.

***POSITIONS:***

A representative from the Michigan United Conservation Clubs indicated support for the bill. (2-15-00)

A representative from the Michigan Municipal League indicated support for the bill. (2-15-00)

A representative from the Michigan Forestry Association indicated support for the concept of the bill. (2-15-00)

A representative from the Michigan Forestry and Parks Association indicated support for the bill. (2-15-00)

A number of city foresters testified in support of the bill, including foresters from the cities of Hillsdale, Lansing, Novi, and Grosse Pointe Park. (2-15-00)

The Department of Natural Resources supports the concept and need for tree planting in urban areas but does not support the bill. (2-15-00)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.