

HOUSE AMENDMENTS TO HOUSE BILL 3016

By COMMITTEE ON CLIMATE, ENERGY, AND ENVIRONMENT

March 20

- 1 On page 1 of the printed bill, line 2, before the period insert “; and declaring an emergency”.
- 2 Delete lines 4 through 28 and delete pages 2 through 5 and insert:
- 3 **“SECTION 1. The Legislative Assembly finds and declares that:**
- 4 **“(1) The purpose of community green infrastructure projects and green infrastructure**
- 5 **economic development projects is to provide direct social, environmental and economic ben-**
- 6 **efits to communities across this state through green infrastructure.**
- 7 **“(2) The social, environmental and economic benefits of green infrastructure to commu-**
- 8 **nities include, but are not limited to:**
- 9 **“(a) Climate change mitigation, adaptation and resilience;**
- 10 **“(b) Stormwater management;**
- 11 **“(c) Air temperature regulation;**
- 12 **“(d) Air quality benefits;**
- 13 **“(e) Noise abatement;**
- 14 **“(f) Energy savings;**
- 15 **“(g) Economic development opportunities;**
- 16 **“(h) Public or community health benefits;**
- 17 **“(i) Support for community food pathways through regenerative agriculture;**
- 18 **“(j) Water quality improvements, including temperature regulation;**
- 19 **“(k) Water conservation;**
- 20 **“(L) Erosion control;**
- 21 **“(m) Park and open space benefits;**
- 22 **“(n) Urban forest benefits;**
- 23 **“(o) Restoration of floodplain functions;**
- 24 **“(p) Restored or expanded wetlands and riparian areas;**
- 25 **“(q) Habitat improvements;**
- 26 **“(r) Aquifer recharge that does not include an extractive or consumptive use of the**
- 27 **aquifer;**
- 28 **“(s) Stream flow augmentation;**
- 29 **“(t) Carbon sequestration;**
- 30 **“(u) Community livability;**
- 31 **“(v) Local jobs; and**
- 32 **“(w) The use of plants and food in maintaining social and environmental identity and**
- 33 **lifeways.**
- 34 **“SECTION 2. As used in sections 1 to 5 of this 2023 Act:**
- 35 **“(1) ‘Community green infrastructure project’ means a green infrastructure project that**

1 provides social, environmental or economic benefits to a particular community and is devel-
2 oped through a collaborative process that helps to define those benefits.

3 “(2) ‘Environmental justice community’ has the meaning given that term in ORS 182.535.

4 “(3) ‘Green communities nursery’ means an Oregon nursery certified by the State De-
5 partment of Agriculture under section 6 of this 2023 Act.

6 “(4) ‘Green infrastructure’ means:

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

8 “(b) Infrastructure that:

9 “(A) Mimics natural systems, or enables natural systems to be less stressed through
10 water conservation, water protection or ecosystem restoration, at the neighborhood or site
11 scale as part of an integrated approach in residential, municipal or industrial developments
12 or water infrastructure; and

13 “(B) Implements community-based concepts, principles and practices to conserve and
14 manage resources for future generations, sequester carbon and provide environmental and
15 social benefits.

16 “(5) ‘Green infrastructure economic development project’ means a community green
17 infrastructure project that employs members of a community that benefits from the com-
18 munity green infrastructure project in the development, construction, planting or mainte-
19 nance of the project.

20 “(6) ‘Green infrastructure improvement zone’ means an area designated by the State
21 Forestry Department under section 7 of this 2023 Act.

22 “(7) ‘Green infrastructure master plan’ means a long-term plan developed by a public
23 body or tribal government that involves the creation, protection or enhancement of green
24 infrastructure, including but not limited to:

25 “(a) An urban forestry plan;

26 “(b) A storm water management plan; and

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

28 “(8) ‘Indian tribe’ means a federally recognized Indian tribe in Oregon.

29 “(9) ‘Native plant nursery’ means an Oregon nursery that specializes in plants native to
30 Oregon.

31 “(10) ‘Native seed bank’ means a store of seeds from native plants that helps to:

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

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

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

36 “(11) ‘Oregon nursery’ means:

37 “(a) A person that holds a license required by ORS 571.055 issued by the State Depart-
38 ment of Agriculture; or

39 “(b) A nursery operated by an Indian tribe, an entity wholly owned by an Indian tribe or
40 an enrolled member of an Indian tribe and operated on the tribe’s reservation or trust land.

41 “(12) ‘Public body’ has the meaning given that term in ORS 174.109.

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

45 “(a) Offsetting the cost of planning and developing community green infrastructure

1 projects or green infrastructure economic development projects;

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

3 “(c) Supporting and implementing green infrastructure master plans.

4 “(2) The Department of Land Conservation and Development may enter into intergov-
5 ernmental agreements under ORS chapter 190 with the Oregon Health Authority, the Oregon
6 Business Development Department, the Bureau of Labor and Industries, the State Depart-
7 ment of Agriculture, the Oregon Watershed Enhancement Board, the Department of Envi-
8 ronmental Quality, the State Parks and Recreation Department or an Indian tribe for the
9 purposes of assistance with:

10 “(a) The design and implementation of the Community Green Infrastructure Grant Pro-
11 gram;

12 “(b) Readiness to acquire and administer federal funding related to green infrastructure
13 projects; or

14 “(c) Technical advice or feedback on the grant review process established under this
15 section.

16 “(3) The Department of Land Conservation and Development shall enter into an inter-
17 governmental agreement under ORS chapter 190 with the State Forestry Department for the
18 purposes of assistance with:

19 “(a) The design and implementation of the Community Green Infrastructure Grant Pro-
20 gram;

21 “(b) Readiness to acquire and administer federal funding related to green infrastructure
22 projects; and

23 “(c) Technical advice or feedback on the grant review process established under this
24 section.

25 “(4) The Department of Land Conservation and Development shall enter into an inter-
26 governmental agreement under ORS chapter 190 with the Department of Transportation for
27 the purposes of assistance with:

28 “(a) Technical advice regarding state transportation facilities and rights of way as they
29 relate to the design and implementation of the Community Green Infrastructure Grant
30 Program;

31 “(b) Readiness to acquire and administer federal funding related to green infrastructure
32 projects; and

33 “(c) Technical advice or feedback on the grant review process established under this
34 section.

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

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

44 “(c) A grant for an approved application for a community green infrastructure project
45 or a green infrastructure economic development project will be awarded and released only

1 to an applicant described in paragraph (a) of this subsection.

2 “(d)(A) An application for a community green infrastructure project or a green
3 infrastructure economic development project must be drafted in consultation with the gov-
4 ernment of the city or county in which the project will be located and with the electric and
5 water utilities in whose service territory the project will be located.

6 “(B) An application must include documentation of the consultations described in this
7 paragraph and demonstrate that feedback received as a result of consultation was incorpo-
8 rated into the application materials. If the application does not incorporate feedback from a
9 consulted party into the application, the applicant must provide an explanation of why the
10 feedback was not incorporated or provide a statement that no feedback was received from
11 that party.

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

14 “(b) An application for a grant to plan or develop a community green infrastructure
15 project or a green infrastructure economic development project must demonstrate that the
16 project:

17 “(A) Is located in this state;

18 “(B) Provides social, environmental or economic benefits to an environmental justice
19 community;

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

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

25 “(c) An application for a grant for a native seed bank or native plant nursery must
26 demonstrate that the applicant qualifies as a native seed bank or a native plan nursery.

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

30 “(7) Upon receipt of an application submitted under this section, the Department of Land
31 Conservation and Development shall review the application and determine whether the ap-
32 plicant is eligible to receive a grant from the Community Green Infrastructure Grant Pro-
33 gram. The department may award grants based on the prioritizations established under
34 subsection (8) of this section. If the department denies a grant application, the department
35 shall provide the reason for the denial in writing.

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

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

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

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

42 “(d) That strengthen communities and fight displacement;

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

44 “(f) That are carried out by a city that has adopted a plan to increase urban tree canopy
45 cover and has entered into a long-term agreement with an Oregon nursery to supply trees

1 needed to carry out the plan; or

2 “(g) That utilize a community’s cultural practices to educate, and conserve and manage
3 resources for, future generations.

4 “(9) To the maximum extent possible, community green infrastructure projects and green
5 infrastructure economic development projects shall:

6 “(a) Minimize the vehicle miles traveled associated with all plant and tree stocks utilized
7 in the project;

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

10 “(c) Utilize native plant stock that is grown from native seed banks or native seed re-
11 covery and planting efforts; and

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

14 “(10) To the maximum extent possible, community green infrastructure projects and
15 green infrastructure economic development projects that occur on school campuses shall
16 incorporate a curriculum or demonstration component to connect students to the project
17 and provide education about:

18 “(a) Green infrastructure;

19 “(b) Careers in green infrastructure; and

20 “(c) Cultural practices to educate, and conserve and manage resources for, future gen-
21 erations.

22 “SECTION 4. (1) The Community Green Infrastructure Fund is established in the State
23 Treasury, separate and distinct from the General Fund. Interest earned by the Community
24 Green Infrastructure Fund shall be credited to the fund. Moneys in the fund are continuously
25 appropriated to the Department of Land Conservation and Development for the purpose of
26 carrying out section 3 of this 2023 Act, subject to the allocations described in subsection (2)
27 of this section.

28 “(2) Of the moneys in the fund:

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

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

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

35 “SECTION 5. (1) The Department of Land Conservation and Development may appoint
36 an Advisory Committee on Community Green Infrastructure Investment to provide consul-
37 tation on the implementation of section 3 of this 2023 Act. A committee appointed under this
38 section shall consist of at least one representative of each of the following interests:

39 “(a) City governments;

40 “(b) County governments;

41 “(c) Special districts, irrigation districts or transportation districts;

42 “(d) School districts;

43 “(e) Environmental justice communities;

44 “(f) The Oregon nursery industry;

45 “(g) Educational institutes that train professionals in horticulture, urban forestry or

1 other green infrastructure professions;

2 “(h) State or local parks and recreation agencies;

3 “(i) Individuals with expertise in designing, constructing and maintaining green
4 infrastructure;

5 “(j) Individuals with expertise in the public or community health benefits of green
6 infrastructure;

7 “(k) Individuals with expertise in green workforce development or social enterprise
8 models; and

9 “(L) Individuals with expertise in green infrastructure projects in tribal, rural, remote
10 or coastal communities.

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

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

16 “(3) No later than September 15 of each even-numbered year, the advisory committee
17 shall submit a report on the implementation of the Community Green Infrastructure Grant
18 Program to the appropriate interim committees of the Legislative Assembly, in the manner
19 provided by ORS 192.245.

20 “SECTION 6. (1) As used in this section, ‘Oregon nursery’ has the meaning given that
21 term in section 2 of this 2023 Act.

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

24 “(a) Has practices in pest and disease management that satisfy standards established by
25 the department;

26 “(b) Materially demonstrates a history of compliance with the rules and other require-
27 ments of state and local agencies with oversight regarding workers’ compensation, building
28 codes and occupational safety and health over a period of seven years or the life of the
29 nursery, whichever is shorter;

30 “(c) Materially demonstrates a history of compliance with federal and state wage and
31 hour laws over a period of seven years or the life of the nursery, whichever is shorter; and

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

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

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

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

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

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

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

42 “(d) Rights of way and their associated jurisdictions;

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

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

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

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

7 “(5) Using the urban tree canopy assessment tool, the department shall designate as
8 green infrastructure improvement zones areas of this state that have a high level of poverty
9 density and any of the following:

10 “(a) Low levels of tree canopy cover;

11 “(b) Poor vegetation health;

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

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

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

20 “(a) Emerald ash borer infestation;

21 “(b) Japanese beetle infestation;

22 “(c) Sudden Oak Death;

23 “(d) Pine bark beetle infestation;

24 “(e) Climate change;

25 “(f) Drought; or

26 “(g) Wildfire.

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

28 “(a) Vulnerability assessments;

29 “(b) Tree inventories;

30 “(c) Response and recovery plan development;

31 “(d) Community engagement and community-led strategies; and

32 “(e) Tree removal and replanting with species that are resistant to disease, pest and
33 drought.

34 “(3) The department shall coordinate with the State Department of Agriculture to sup-
35 port program activities related to any pests or diseases subject to quarantine under the laws
36 of this state or of the United States.

37 “SECTION 9. This 2023 Act being necessary for the immediate preservation of the public
38 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect
39 on its passage.”.