

Bill 24-444 – Urban Forest Preservation Authority Amendment Act of 2021  
Committee on Transportation & Environment - January 7<sup>th</sup>, 12pm  
Introduced by: Council Members Mary Cheh (Ward 3) and Charles Allen (Ward 6)  
Purpose: Provide Stop Work Authority to DDOT's Urban Forestry Division (UFD)  
Hearing Date: January 7<sup>th</sup>, 2022; 12PM; via Zoom (remote)

### Testimony of Deborah Shapley, Founder & President, Restore Mass Ave

My name is Deborah Shapley. I am the President of Restore Mass Ave. This small nonprofit was founded in 2006 with the mission of restoring the historic landscape - rows of big shade trees - that used to grow along Embassy Row. We work along the Massachusetts Avenue NW historic corridor from Dupont Circle for two miles to Wisconsin Avenue., in Wards Two and Three.

Historic research - and looking around - shows there was once an impressive treed landscape here. But it declined along with the rest of the city's tree canopy. The [Page 1 photo](#) of a shady sidewalk in the 2000 block of Mass, taken in 1913, inspires us and others in our work.

RMA has a three-part program. First protecting the trees we have: the largest, especially around Sheridan Circle, are more than a hundred years old.

Second, we arrange planting of large-species trees to re grow the historic landscape. Our third, equally important priority is maintenance. We get local owners to care for city street trees and all nearby trees. There's little point in planting if the tree does not grow large.

The program has worked. In our first ten years, tree canopy expanded by 13 % in the area where we operate; in the same time, DC canopy grew 2.5%.

Restore Mass Ave supports the Amendment Act. Here are a couple of stories showing how this Act could help our project a lot.

### Competence

We support giving UFD arborists Stop-Work authority as defined in this bill. We have fifteen years of experience calling 311 and the Urban Forestry Division to

come, often into tense situations. I met with many and each was professional and helpful. 1/

They don't just show up and write a ticket. They look; they listen to those involved. They try to solve the situation.

The first time I called Urban Forestry to come fast was in 2006, I believe. I live on Mass Ave and heard buzz saws down the street. Arriving there I saw men with saws way high in a tall oak tree. I told them to stop, as the city inspector was coming. I went to the door of the property - the Zambia embassy and told them.

UFA arborist Ranjit Babra arrived. The officials said the building next door had asked this tree branches to be sliced off right at the property line. Ranjit explained that damage to the tree, without a permit, could incur a fine. (At that time the State Department was informing embassies that they are obligated to follow the DC Tree law.) The slice-off of branches stopped.

Then the officials asked Ranjit and me about their other trees. Ranjit pointed to one big tree and another. They were Special Trees, and important, he explained.

The crisis and Ranjit's tact, led the embassy to host a community planting of 15 additional trees in 2008 with RMA and Casey Trees. About 100 volunteers came to plant and hear the Ambassador speak about trees in her country. The Zambians take care of surrounding trees.

Through the years I have seen other UFD arborists at other tense scenes. They have used their authority with care. I'm sure they would with the present bill.

### **Speed and Effectiveness**

The most destructive cutting - of all trees in a few hours - might have been halted if UFD had Stop-Work Authority. [Photo Page 2.](#)

Someone called me one day in 2008 to say there was tree cutting by a large vacant building at 24<sup>th</sup> and Mass. I arrived to loud sawing noise and crashing branches. A man and his helper were shearing from one end of the place to the other; they'd done one big magnolia and were working towards the other. When I asked who employed him he got very aggressive.

I won't list the phone calls made over 20-30 minutes while he kept cutting. UFA's enforcement officer was across town and couldn't get there that day. Eventually I found the client - the Embassy of Chad which was out of earshot. When the official arrived, the site was a mess, all plants and trees chopped. The two of us stood there - a wake.

If the bill proposed today were in force, I expect that some close-by UFD arborist might have deployed and Stopped Work. This would give the Chad official time to look up the contract, which called for trimming. The contractor was a Maryland firm and could be penalized.

### **Filling Loopholes**

The purpose of the Amendment Act is to clarify a loophole in present law so UFD arborists can carry out its purpose more effectively. RMA supports giving the arborists Stop-Work Authority if they think any Special or Heritage Tree is threatened *wherever the tree is located*, on District or on private land. And no matter who the client is - a private developer, DC government or utility.

Restore Mass Ave has been wrestling with possible harm to the trees from a large DDOT road construction project and related utility digs, for a year now. The projects have another year to go. If you have driven on Mass anywhere from Dupont Circle to up beyond Glover Bridge, you have encountered the machines, barriers, and traffic delays.

This is the "MARF" or Massachusetts Avenue NW Rehabilitation Project, a \$23 million contract to replace roadway, sidewalks, gutters, storm drains, electric and about 15% of street trees. [Photo Pages 3 and 4.](#)

On the same mile, Washington Gas has been replacing the pipes since 2020. It is still digging across sidewalks into yards. The photos show holes by a Heritage tree taken 2 weeks ago.

Our group worked with DDOT engineers during 2 years to make the final MARF plan save as many good trees as possible - including the dozen or so Special and Heritage Trees that define Mass Ave's character. We tried to get the best deal for trees overall - including dozens of new trees of 2" diameter that will replace

present ones already giving shade. (Note The city has planned this canopy loss, which it says is “temporary” since 44 new trees will replace them.)

Additional loss could come from this construction.

You heard Mark Buscaino say we are losing nearly 100 Special and Heritage trees <sup>illegally</sup> a year. I’m here to warn that the number could bump higher in the next few years. The MARP and utility construction around them continuing.

RMA has under way a “Campaign for Shade.” Anyone can file online reports and photos of threats to trees. The RMA hub directs the report to the project leaders involved. We get answers.

So UFD arborists - first Becky Schwartz and now Matt Lehtonen - come here a lot. They negotiate workarounds - such as saving trees that were thought goners. We are sure they will use responsibly the Stop Work authority, when Special and Heritage trees seem at risk. Further since many of these trees are on city land and impacted by city jobs, the clarity of this Amendment Act is welcome. 2/

(Since this hearing is not about DDOT road renovation and trees, I hereby offer that RMA meet with Committee staff to describe our experience and conclusions during this year’s budget cycle. Everybody “likes” quote new roads and infrastructure, but RMA has in-depth, on-the- ground experience with how this impacts trees.)

Meeting was held Mon Jan 31st.

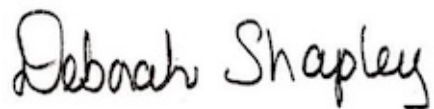
### **Other provisions**

- We support expanding tree protections to District-owned lands. Many of the best trees in our neighborhood and on Mass Ave are on DC land. Just because the land happens to belong to the city should not exempt DC entities from following the tree law.
- We strongly support adding the defined “Critical Root Zones” in Tree Protection Plans as proposed for the UFPA. The root zones of large trees radiate outward in the soil around them. Healthy root zones are crucial for trees to stay upright! Healthy root zones help trees resist storm and wind.

Along Embassy Row, the root systems of our big trees link underground and nourish others in the sidewalks, yards and on private land. Critical Root Zones need to be taken into account more to advance the purpose of the Act, which is to save the tree canopy we have.

Restore Mass Ave urges the Council to vote the Amendment Act into law.

Thank you!

A handwritten signature in black ink that reads "Deborah Shapley". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Deborah Shapley

1/ UFD arborists we have worked include Vera Ertem, Simon Banua, Carlson Klapthor, Duff MCauley, Becky Schwartz, Matthew Lehtonen, and agency leaders John Thomas and Earl Eutsler.

2/ Please note that Stop-Work pauses a job for arborist inspection. Stopping for inspection does not mean the job is called off. The UFD visit may find the tree is not Special size. The permit may be OK or even waived. This legislation only helps UFD arborist to pause the work for proper decisions.



Massachusetts Avenue sidewalk looking west in 1913. Double row of American linden planted on Mass across town in the 1880s.

Credit: DC Public Library  
Washingtoniana Collection

Pdf of our DC Preservation award-winning booklet Grand Avenue  
Revival Massachusetts Avenue Landscape History & Design  
Guide  
[restoremassave.org/historic-landscape/](http://restoremassave.org/historic-landscape/)



*"Friends working together to  
re-green Embassy Row"*

[RestoreMassAve.org](http://RestoreMassAve.org)

**PAGE 1**



Vacant building future Chad Embassy 2401 Mass Ave

Cut by McTavish of Maryland March 2008

**PAGE 2**

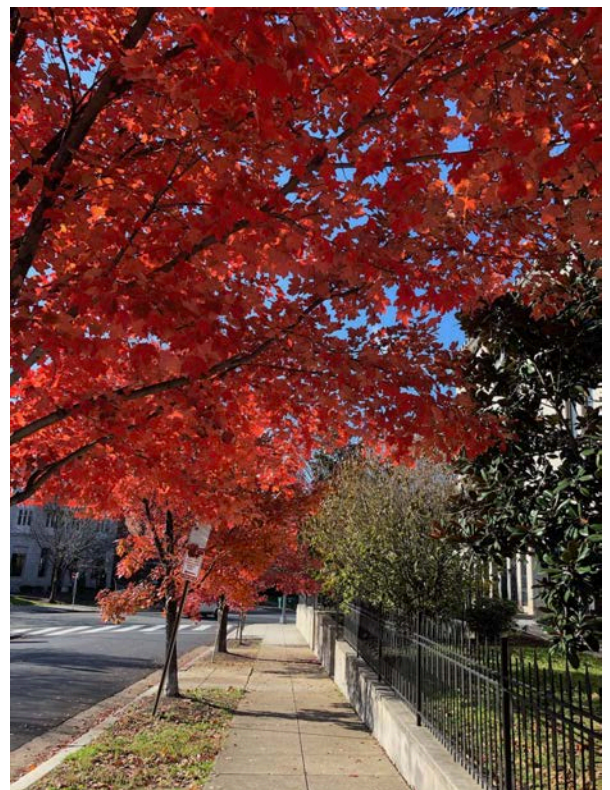


RMA replanted with the Embassy and Leo A Daly. it has beautiful big tree now.

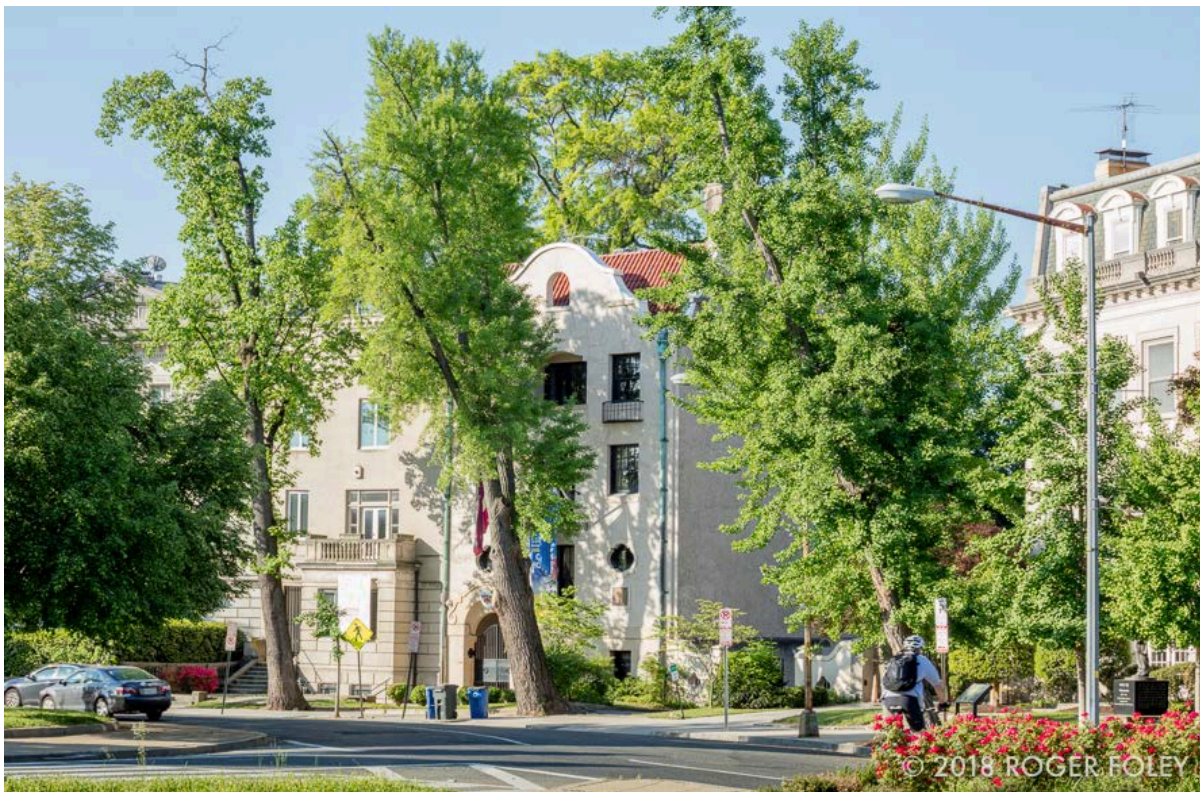
Picture coming!

The Chadeans wanted to keep the red maple row going. So RMA/ casey/ UFD added them.

Here are the street trees in front, November 2020







**SHEIDAN CIRCLE**  
south side 3 heritage & special  
trees  
before construction.

Samples of MARP work by  
Heritage Trees there

Below: Heritage tree 2519 Mass  
(private home) during MARP  
sidewalk dig & replacement.







## GAS LINE ISSUES

Graphic - root pathways of street tree roots, overlaid on WashGas service lines.

RMA on a Wash Gas graphic

Below: Trenching past tree & sidewalk, 2020.  
Rules require hand dig. No cut roots >2" call UFA



American Linden Heritage Tree (1904)  
2200-2202 Mass Ave. Above UFD trims for health in 2020.

Below latest of several digs across tree root zone  
and into yard. Holw Dec 13 2021. Asphalt over Dec 15

