



SIERRA CLUB

LONE STAR CHAPTER

To: The Honorable Chairman Dustin Burrows

Members, House Committee on Calendars

Re: HB 2239 (Troxclair)

From: Cyrus Reed, Conservation Director, Lone Star Chapter, 512-888-9411,
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VOTE NO ON HB 2239

April 3, 2023

The Lone Star Chapter of the Sierra Club is fundamentally opposed to HB 2239 by Troxclair, which would prevent cities from charging mitigation fees or preventing the cutting of ashe juniper trees on private property.

Old-growth Ashe juniper is vital to survival of the [endangered Golden-cheeked Warbler](#). Habitat loss or degradation is the main reason the birds are endangered.

The clearing of old juniper woodlands for urban expansion has decreased the area available for nesting. By allowing even old-growth junipers to be destroyed, HB 2239 would put this species in further peril.

What's this bill *really* about?

Primarily, this bill is about increasing profits for developers and homebuilding corporations, many from outside of Texas. The fees the bill prohibits are tree replanting fees charged to developers who remove excessive numbers of trees.

Most city tree ordinances protect only large, old-growth Ashe junipers (not brush) on land development projects (not on a homeowner's property or a ranch). Tree ordinances don't apply to land outside of a city's jurisdiction. No rancher or rural property owner in the history of Texas has ever paid a fee for removing Ashe juniper.

Say NO to clearcutting

Troxclair's bill will lead to more clearcutting of development sites. Tree removal like this has many negative effects like:

1. Increasing stormwater runoff from developments which in turn causes flooding of downstream areas.
2. Increasing contamination in creeks and rivers from pollutants such as lawn chemicals, pesticides, and pet droppings.
3. Exacerbating air pollution from cars and urban heat islands.

But, aren't the trees water hogs?

Juniper water use is similar to other native trees. Clearcutting junipers do not significantly increase spring flows, which return to pre-clear flows after 3-5 years. On limestone bedrock with shallow soils, the trees *increase* groundwater flows.

Read more about this in [Project Bedrock's *Brief overview of Ashe junipers*](#) and [Texas A&M Study, 2022](#).

But isn't this just about personal property rights on property to remove trees?

While Troxclair claims the bill only impacts the rights of homeowners whether or not they want to remove a tree on their own property, the bill is written principally to help developers escape tree protection ordinances and mitigation fees. Thus, Section (f) contains requirements pertaining to mitigation fees for both residential and non-residential property, while Section a (2) would define "mitigation fee" as applying to a fee charged to "any private property," while Section (h), the section that the bill amends has not limitations on the type of property it applies to.