

E2SHB 1216 - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

ADOPTED 04/09/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that
4 preservation and enhancement of city trees and urban forests
5 contributes multiple benefits, including stormwater management,
6 carbon sequestration, local air and water quality enhancements, and
7 fish and wildlife habitat, and is a cost-effective way to meet these
8 objectives. The legislature further finds that climate change is
9 impacting our state in numerous ways, including summer heat waves,
10 heavier winter rains, and lower air quality, all of which can be
11 improved by increased tree canopy. The legislature further finds that
12 modern and well-crafted urban forestry programs can have significant
13 additional benefits related to human health, especially when
14 delivered in highly impacted communities with higher health
15 disparities and that also have lower existing tree canopy.
16 Significant research exists demonstrating health benefits of trees
17 and green spaces, including air and water quality improvements,
18 positive emotional responses to being in nature, physical activity,
19 and social cohesion through interacting in public green spaces.
20 Furthermore, the legislature finds that Washington state faces
21 continued urgency in adequately protecting essential salmon habitat,
22 which is necessary to promote salmon recovery and thus help protect
23 our endangered southern resident killer whale population. It is the
24 intent of the legislature to enhance urban forestry programs that
25 maximize cobenefits related to human health and salmon recovery.

26 (2) The legislature further recognizes that the existing
27 evergreen communities act, in chapter 76.15 RCW and related programs
28 in state law, established a successful framework for supporting urban
29 forestry in Washington state. That act established the need for tools
30 including canopy assessment and regional tree canopy analysis, and
31 targeted technical assistance to support cities and counties seeking
32 to deliver impactful urban forestry programs. The legislature intends

1 to modernize and add capacity to the evergreen communities act by
2 utilizing information and analysis around environmental health
3 disparities and salmon recovery plans, and increasing capacity for
4 the delivery of an urban forestry program in order to strengthen and
5 enhance the impacts of this act and to expand participation to
6 include federally recognized tribes and other community-based
7 organizations.

8 **Sec. 2.** RCW 76.15.005 and 1991 c 179 s 1 are each amended to
9 read as follows:

10 (1) Trees and other woody vegetation are a necessary and
11 important part of community ~~((and urban))~~ environments. ~~((Community~~
12 ~~and urban))~~ Urban and community forests have many values and uses
13 including conserving energy, reducing air and water pollution and
14 soil erosion, contributing to property values, attracting business,
15 reducing glare and noise, providing aesthetic and historical values,
16 providing wood products, and affording comfort and protection for
17 humans and wildlife.

18 ~~((As urban and community areas in Washington state grow, the~~
19 ~~need to plan for and protect community and urban forests increases.~~
20 ~~Cities and communities benefit from assistance in developing and~~
21 ~~maintaining community and urban forestry programs that also address~~
22 ~~future growth.~~

23 ~~(3) Assistance and encouragement in establishment, retention, and~~
24 ~~enhancement of these forests and trees by local governments,~~
25 ~~citizens, organizations, and professionals are in the interest of the~~
26 ~~state based on the contributions these forests make in preserving and~~
27 ~~enhancing the quality of life of Washington's municipalities and~~
28 ~~counties while providing opportunities for economic development))~~ As
29 urban and community areas in Washington state grow, the need to plan
30 for, promote, and manage urban and community forests increases.
31 Cities and communities benefit from assistance in developing and
32 maintaining urban and community forestry programs that also address
33 future growth.

34 (3) Assistance and encouragement in the establishment, retention,
35 and enhancement of these forests and trees by local governments,
36 residents, organizations, and professionals are in the interest of
37 the state based on the contributions these forests make in preserving
38 and enhancing the quality of life of Washington's cities, counties,

1 and tribal lands while providing opportunities for economic
2 development.

3 (4) Well-maintained urban forests deliver local air and water
4 quality benefits that can have positive impacts on human health.

5 (5) Increased tree canopy in urban areas can positively impact
6 salmon populations through stormwater management and reduction of
7 stream temperatures, thereby improving critical salmon habitat.

8 **Sec. 3.** RCW 76.15.007 and 1991 c 179 s 2 are each amended to
9 read as follows:

10 The purpose of this chapter is to:

11 ~~(1) Encourage ((planting and maintenance and management of trees~~
12 ~~in the state's municipalities and counties and maximize the potential~~
13 ~~of tree and vegetative cover in improving the quality of the~~
14 ~~environment.~~

15 ~~(2) Encourage the coordination of state and local agency~~
16 ~~activities and maximize citizen participation in the development and~~
17 ~~implementation of community and urban forestry-related programs.~~

18 ~~(3) Foster healthy economic activity for the state's community~~
19 ~~and urban forestry-related businesses through cooperative and~~
20 ~~supportive contracts with the private business sector.~~

21 ~~(4) Facilitate the creation of employment opportunities related~~
22 ~~to community and urban forestry activities including opportunities~~
23 ~~for inner city youth to learn teamwork, resource conservation,~~
24 ~~environmental appreciation, and job skills.~~

25 ~~(5) Provide meaningful voluntary opportunities for the state's~~
26 ~~citizens and organizations interested in community and urban forestry~~
27 ~~activities)) planning for, planting, maintaining, and managing of~~
28 ~~trees in the state's cities, counties, and tribal lands and maximize~~
29 ~~the potential of tree and vegetative cover in improving the quality~~
30 ~~of the environment;~~

31 (2) Encourage the coordination of activities by state, local
32 agency, and federally recognized tribes, and maximize resident
33 participation in the development and implementation of urban and
34 community forestry-related programs, including through capacity
35 building to facilitate participation from new partners;

36 (3) Foster healthy economic activity for the state's urban and
37 community forestry-related businesses through cooperative and
38 supportive contracts with the private business sector;

1 (4) Facilitate the creation of employment opportunities related
2 to urban and community forestry activities, including opportunities
3 for youth, especially in urban areas, to learn teamwork, resource
4 conservation, environmental appreciation, and job skills;

5 (5) Provide meaningful voluntary opportunities for the state's
6 residents and organizations interested in urban and community
7 forestry activities;

8 (6) Contribute to improved human health through targeted delivery
9 of programs and activities in highly impacted communities with
10 greater health disparities;

11 (7) Contribute to salmon and orca recovery through targeted
12 delivery of programs and activities in regions that include important
13 salmon habitat identified by regional salmon recovery plans.

14 **Sec. 4.** RCW 76.15.010 and 2008 c 299 s 23 are each amended to
15 read as follows:

16 ~~((Unless the context clearly requires otherwise, the))~~ The
17 definitions in this section apply throughout this chapter unless the
18 context clearly requires otherwise.

19 ~~(1) ("Community and urban forest" is that land in and around~~
20 ~~human settlements ranging from small communities to metropolitan~~
21 ~~areas, occupied or potentially occupied by trees and associated~~
22 ~~vegetation. Community and urban forestland may be planted or~~
23 ~~unplanted, used or unused, and includes public and private lands,~~
24 ~~lands along transportation and utility corridors, and forested~~
25 ~~watershed lands within populated areas.~~

26 ~~(2) "Community and urban forest assessment" has the same meaning~~
27 ~~as defined in RCW 35.105.010.~~

28 ~~(3) "Community and urban forest inventory" has the same meaning~~
29 ~~as defined in RCW 35.105.010.~~

30 ~~(4) "Community and urban forestry" means the planning,~~
31 ~~establishment, protection, care, and management of trees and~~
32 ~~associated plants individually, in small groups, or under forest~~
33 ~~conditions within municipalities and counties.~~

34 ~~(5))~~ "Department" means the department of natural resources.

35 ~~((6) "Municipality" means a city, town, port district, public~~
36 ~~school district, community college district, irrigation district,~~
37 ~~weed control district, park district, or other political subdivision~~
38 ~~of the state.~~

1 ~~(7) "Person" means an individual, partnership, private or public~~
2 ~~municipal corporation, Indian tribe, state entity, county or local~~
3 ~~governmental entity, or association of individuals of whatever~~
4 ~~nature.)~~)

5 (2) "Evergreen community" means a city, town, or county
6 designated as such under RCW 76.15.090.

7 (3) "Highly impacted community" has the same meaning as defined
8 in RCW 19.405.020 or an equivalent cumulative impacts analysis that
9 identifies the environmental health conditions of communities as a
10 factor of both environmental health hazards and vulnerable
11 populations as defined in RCW 19.405.020.

12 (4) "Management plan" means an urban forest management plan
13 developed pursuant to this chapter.

14 (5) "Tree canopy" means the layer of leaves, branches, and stems
15 of trees that cover the ground when viewed from above and that can be
16 measured as a percentage of a land area shaded by trees.

17 (6) "Tribes" means any federally recognized Indian tribes whose
18 traditional lands and territories include parts of the state.

19 (7) "Urban and community forest" or "urban forest" is that land
20 in and around human settlements ranging from small communities to
21 metropolitan areas, occupied or potentially occupied by trees and
22 associated vegetation. Urban and community forestland may be planted
23 or unplanted, used or unused, and includes public and private lands,
24 lands along transportation and utility corridors, and forested
25 watershed lands within populated areas. Nothing in this chapter may
26 be construed to apply to lands subject to or designated under chapter
27 76.09, 79.70, 79.71, 84.33, or 84.34 RCW.

28 (8) "Urban and community forest assessment" or "urban forest
29 assessment" means an analysis of the urban and community forest
30 inventory to: Establish the scope and scale of forest-related
31 benefits and services; determine the economic valuation of such
32 benefits, highlight trends, and issues of concern; identify high
33 priority areas to be addressed; outline strategies for addressing the
34 critical issues and urban landscapes; and identify opportunities for
35 retaining trees, expanding forest canopy, and planting additional
36 trees to sustain Washington's urban and community forests.

37 (9) "Urban and community forest inventory" or "urban forest
38 inventory" means a management tool designed to gauge the condition,
39 management status, health, and diversity of an urban and community
40 forest. An inventory may evaluate individual trees or groups of trees

1 or canopy cover within urban and community forests, and will be
2 periodically updated by the department.

3 (10) "Urban and community forestry" or "urban forestry" means the
4 planning, establishment, protection, care, and management of trees
5 and associated plants individually, in small groups, or under more
6 naturally forested conditions within cities, counties, and tribal
7 lands.

8 (11) "Urban and community forestry ordinance" or "urban forestry
9 ordinance" is an ordinance developed by a city, county, or tribe that
10 promotes urban forestry management and care of trees.

11 (12) "Vulnerable populations" has the same meaning as defined in
12 RCW 19.405.020.

13 **Sec. 5.** RCW 76.15.020 and 2008 c 299 s 3 are each amended to
14 read as follows:

15 (1) ~~The department may establish and maintain a program in~~
16 ~~((community and urban forestry to accomplish the purpose stated in~~
17 ~~RCW 76.15.007. The department may assist municipalities and counties~~
18 ~~in establishing and maintaining community and urban forestry programs~~
19 ~~and encourage persons to engage in appropriate and improved tree~~
20 ~~management and care.~~

21 ~~(2) The department may advise, encourage, and assist~~
22 ~~municipalities, counties, and other public and private entities in~~
23 ~~the development and coordination of policies, programs, and~~
24 ~~activities for the promotion of community and urban forestry.~~

25 ~~(3) The department may appoint a committee or council, in~~
26 ~~addition to the technical advisory committee created in RCW 76.15.080~~
27 ~~to advise the department in establishing and carrying out a program~~
28 ~~in community and urban forestry.~~

29 ~~(4) The department may assist municipal and county tree~~
30 ~~maintenance programs by making surplus equipment available on loan~~
31 ~~where feasible for community and urban)) urban and community forestry~~
32 ~~to accomplish the purpose stated in RCW 76.15.007. The department may~~
33 ~~assist cities, counties, and federally recognized tribes in~~
34 ~~establishing and maintaining urban and community forestry programs~~
35 ~~and encourage appropriate and improved tree management and care.~~

36 (2) The department may advise, encourage, and assist cities,
37 counties, tribes, and other public and private entities in the
38 development and coordination of policies, programs, and activities
39 for the promotion of urban and community forestry.

1 (3) The department may appoint a committee or council to advise
2 the department in establishing and carrying out a program in urban
3 and community forestry.

4 (4) The department may assist municipal and county tree
5 maintenance programs by making surplus equipment available on loan
6 where feasible for urban and community forestry programs and
7 cooperative projects.

8 (5) An owner of private property may opt out of a voluntary urban
9 and community forestry program established by a city, county, or
10 federally recognized tribe pursuant to this chapter. The property
11 owner opting out must provide notice to the city, county, or
12 federally recognized tribe in either written or electronic form.

13 **Sec. 6.** RCW 76.15.030 and 1991 c 179 s 5 are each amended to
14 read as follows:

15 The department may:

16 (1) Receive and disburse any and all moneys contributed,
17 allotted, or paid by the United States under authority of any act of
18 congress for the purposes of this chapter.

19 (2) Receive such gifts, grants, bequests, and endowments and
20 donations of labor, material, seedlings, and equipment from public or
21 private sources as may be made for the purpose of carrying out the
22 provisions of this chapter, and may spend the gifts, grants,
23 bequests, endowments, and donations as well as other moneys from
24 public or private sources.

25 (3) Charge fees for attendance at workshops and conferences, and
26 for various publications and other materials that the department may
27 prepare.

28 (4) Enter into agreements and contracts with (~~persons having~~
29 ~~community and urban~~) cities, counties, tribes, nonprofit
30 organizations, and others having urban and community forestry-related
31 responsibilities.

32 **Sec. 7.** RCW 76.15.050 and 1993 c 204 s 10 are each amended to
33 read as follows:

34 The department may enter into agreements with one or more
35 nonprofit organizations whose primary purpose is urban tree planting.
36 The agreements (~~shall be to further public education about and~~
37 ~~support for urban tree planting, and for obtaining voluntary~~
38 ~~activities by the local community organizations in tree planting~~

1 ~~programs. The agreements shall ensure that such programs are~~
2 ~~consistent with the purposes of the community and urban)) must be~~
3 ~~directed at furthering public education about and support for urban~~
4 ~~tree planning, planting, establishment, care, and long-term~~
5 ~~maintenance, and for obtaining voluntary activities by the local~~
6 ~~community organizations in tree planting programs. The agreements~~
7 ~~must ensure these programs are consistent with the purposes of the~~
8 ~~urban and community forestry program under this chapter.~~

9 **Sec. 8.** RCW 76.15.060 and 1993 c 204 s 11 are each amended to
10 read as follows:

11 The department (~~shall encourage urban planting of tree varieties~~
12 ~~that are site-appropriate and provide the best combination of energy~~
13 ~~and water conservation, fire safety and other safety, wildlife~~
14 ~~habitat)) must encourage urban planting and care through~~
15 ~~establishment and long-term management of trees, encouraging~~
16 ~~varieties that are site-appropriate and provide the best combination~~
17 ~~of energy and water conservation, fire safety and other safety,~~
18 ~~wildlife habitat, stormwater management, and aesthetic value. The~~
19 ~~department may provide technical assistance in developing programs in~~
20 ~~tree planting for energy conservation in areas of the state where~~
21 ~~such programs are most cost-effective. The department must conduct~~
22 ~~analyses and prioritize target regions for delivery of programs,~~
23 ~~policies, and activities that include criteria related to human~~
24 ~~health and salmon recovery data as provided in section 9 of this act.~~

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 76.15
26 RCW to read as follows:

27 (1) The department must conduct analyses of the needs and
28 opportunities related to urban forestry in Washington by assessing
29 tree canopy cover and urban forestry inventory data.

30 (a) The department must utilize existing recent tree canopy study
31 and inventory data when available.

32 (b) The department may add additional canopy analysis in regions
33 where adequate data is not available through internal analysis and
34 the use of research consultants as needed.

35 (c) In collaboration with local governments, the department may
36 conduct prioritized inventories of urban forests where adequate data
37 is not available.

1 (2) The department must identify priority regions for the
2 implementation of urban forestry programs. Priority must be
3 determined through the use and review of analyses and tools
4 including, but not limited to, the following:

5 (a) Canopy analysis and inventory of urban and community forestry
6 data as determined in subsection (1)(a) of this section;

7 (b) Health disparity mapping tools that identify highly impacted
8 communities such as the department of health's Washington tracking
9 network. Communities should be identified at the census tract level;

10 (c) Salmon and orca recovery data including, but not limited to,
11 the Puget Sound partnership action agenda and other regional and
12 statewide salmon and orca recovery plans and efforts, to target
13 program delivery in areas where there are significant opportunities
14 related to salmon and orca habitat and health; and

15 (d) The department's 20-year forest health strategic plan.

16 (3) The department may consult with external experts as part of
17 the review and analysis that will determine priority regions for the
18 purposes of this chapter. Consultation may be conducted with experts
19 such as: Other state agencies; a statewide organization representing
20 urban and community forestry programs; health experts; salmon
21 recovery experts; and other technical experts as needed.

22 (4) The department must consult with the appropriate tribes in
23 watersheds where urban forestry work is taking place.

24 (5) The department shall, through its analysis and consultation,
25 seek to identify areas where urban forestry will generate the
26 greatest confluence of benefits in relation to canopy needs, health
27 disparities, and salmon habitat.

28 (6) The department must ensure a minimum of 50 percent of the
29 resources used in delivering the policies, programs, and activities
30 of this chapter are benefiting vulnerable populations and are
31 delivered in or within one-quarter mile of highly impacted
32 communities as identified by the tools described in subsection (2)(b)
33 of this section, and scale these resources so the most resources are
34 allocated to the highest impacted communities within these areas.
35 This includes resources for establishing and maintaining new trees as
36 well as maintenance of existing tree canopy.

37 (7) The department shall conduct a statewide inventory of urban
38 and community forests using urban forest inventory and assessment
39 protocols established by the United States forest service to produce
40 statistically relevant estimates of the quantity, health,

1 composition, and benefits of urban trees and forests. Inventory data
2 must be maintained and periodically updated.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 76.15
4 RCW to read as follows:

5 (1) The department must provide technical assistance and capacity
6 building resources and opportunities to cities, counties, federally
7 recognized tribes, and other public and private entities in the
8 development and coordination of policies, programs, and activities
9 for the promotion of urban and community forestry.

10 (2) The department may use existing urban and community forestry
11 inventory tools or develop additional tools to assist cities,
12 counties, federally recognized tribes, and other public and private
13 entities to collect urban and community forest tree data that informs
14 urban and community forestry management, planning, and policy
15 development.

16 (3) The department shall strive to enable Washington cities'
17 urban forest managers to access carbon markets by working to ensure
18 tools developed under this section are compatible with existing and
19 developing urban forest carbon market reporting protocols.

20 (4) The department may use existing tools to assist communities
21 to develop urban forestry management plans. Management plans may
22 include, but not be limited to, the following elements:

23 (a) Inventory and assessment of the jurisdiction's urban and
24 community forests utilized as a dynamic management tool to set goals,
25 implement programs, and monitor outcomes that may be adjusted over
26 time;

27 (b) Canopy cover goals;

28 (c) Reforestation and tree canopy expansion goals within the
29 city's, town's, and county's boundaries;

30 (d) Restoration of public forests;

31 (e) Achieving forest stand and diversity goals;

32 (f) Maximizing vegetated stormwater management with trees and
33 other vegetation that reduces runoff, increases soil infiltration,
34 and reduces stormwater pollution;

35 (g) Environmental health goals specific to air quality, habitat
36 for wildlife, and energy conservation;

37 (h) Vegetation management practices and programs to prevent
38 vegetation from interfering with or damaging utilities and public
39 facilities;

- 1 (i) Prioritizing planting sites;
- 2 (j) Standards for tree selection, siting, planting, and pruning;
- 3 (k) Scheduling maintenance and stewardship for new and
4 established trees;
- 5 (l) Staff and volunteer training requirements emphasizing
6 appropriate expertise and professionalism;
- 7 (m) Guidelines for protecting existing trees from construction-
8 related damage and damage related to preserving territorial views;
- 9 (n) Integrating disease and pest management;
- 10 (o) Wood waste utilization;
- 11 (p) Community outreach, participation, education programs, and
12 partnerships with nongovernment organizations;
- 13 (q) Time frames for achieving plan goals, objectives, and tasks;
- 14 (r) Monitoring and measuring progress toward those benchmarks and
15 goals;
- 16 (s) Consistency with the urban wildland interface codes developed
17 by the state building code council;
- 18 (t) Emphasizing landscape and revegetation plans in residential
19 and commercial development areas where tree retention objectives are
20 challenging to achieve; and
- 21 (u) Maximizing building heating and cooling energy efficiency
22 through appropriate siting of trees for summer shading, passive solar
23 heating in winter, and for wind breaks.
- 24 (5) The department may use existing tools to assist communities
25 to develop urban forestry ordinances. Ordinances may include, but not
26 be limited to, the following elements:
 - 27 (a) Tree canopy cover, density, and spacing;
 - 28 (b) Tree conservation and retention;
 - 29 (c) Vegetated stormwater runoff management using native trees and
30 appropriate nonnative, nonnaturalized vegetation;
 - 31 (d) Clearing, grading, protection of soils, reductions in soil
32 compaction, and use of appropriate soils with low runoff potential
33 and high infiltration rates;
 - 34 (e) Appropriate tree siting and maintenance for vegetation
35 management practices and programs to prevent vegetation from
36 interfering with or damaging utilities and public facilities;
 - 37 (f) Native species and nonnative, nonnaturalized species
38 diversity selection to reduce disease and pests in urban forests;
 - 39 (g) Tree maintenance;
 - 40 (h) Street tree installation and maintenance;

1 (i) Tree and vegetation buffers for riparian areas, critical
2 areas, transportation and utility corridors, and commercial and
3 residential areas;

4 (j) Tree assessments for new construction permitting;

5 (k) Recommended forest conditions for different land use types;

6 (l) Variances for hardship and safety;

7 (m) Variances to avoid conflicts with renewable solar energy
8 infrastructure, passive solar building design, and locally grown
9 produce; and

10 (n) Permits and appeals.

11 (6) The department may consult with the department of commerce in
12 the process of providing technical assistance, on issues including,
13 but not limited to, intersections between urban forestry programs and
14 growth management act planning.

15 (7) The department may use existing and develop additional
16 innovative tools to facilitate successful implementation of urban
17 forestry programs including, but not limited to, comprehensive tool
18 kit packages (tree kits) that can easily be shared, locally adapted,
19 and used by cities, counties, tribes, and community stakeholders.

20 (8) The department must encourage communities to include
21 participation and input by vulnerable populations through community
22 organizations and members of the public for urban and community
23 forestry plans in the regions where they are based.

24 (9) Delivery of resources must be targeted based on the analysis
25 and prioritization provided in section 9 of this act.

26 **Sec. 11.** RCW 76.15.090 and 2008 c 299 s 8 are each amended to
27 read as follows:

28 (1) The department shall manage the application and evaluation of
29 candidates for evergreen community designation ((under—RCW
30 35.105.030, and forward its recommendations to the department of
31 community, trade, and economic development)).

32 (2) The department shall develop the criteria for an evergreen
33 community designation program. Under this program, the state may
34 recognize as an evergreen community a city, county, or area of tribal
35 land that has developed an excellent urban forest management program.

36 (3) Designation as an evergreen community must include no fewer
37 than two graduated steps. The department may require additional
38 graduated steps and establish the minimum requirements for each
39 recognized step.

1 (a) The first graduated step of designation as an evergreen
2 community includes satisfaction of the following requirements:

3 (i) The development and implementation of a tree board or tree
4 department;

5 (ii) The development of a tree care ordinance;

6 (iii) The implementation of an urban forestry program with an
7 annual budget of at least \$2.00 for every city resident;

8 (iv) Official recognition of arbor day; and

9 (v) The completion of or update to an existing urban forest
10 inventory for the city, county, or tribal land, or the formal
11 adoption of an inventory developed for the city, county, or tribe by
12 the department.

13 (b) The second graduated step of designation as an evergreen
14 community includes the adoption of an urban forestry management plan.
15 The management plan must:

16 (i) Exceed the minimum standards determined by the department;
17 and

18 (ii) Incorporate meaningful community engagement from vulnerable
19 populations located in the area so needs and priorities of these
20 communities inform implementation of the plan.

21 (4) The department shall develop gateway signage and logos for an
22 evergreen community.

23 (5) The department may consult with the department of commerce in
24 carrying out the requirements of this section.

25 **Sec. 12.** RCW 35.92.390 and 2008 c 299 s 19 are each amended to
26 read as follows:

27 (1) Municipal utilities under this chapter are encouraged to
28 provide information to their customers regarding landscaping that
29 includes tree planting for energy conservation.

30 (2)(a) Municipal utilities under this chapter are encouraged to
31 request voluntary donations from their customers for the purposes of
32 urban forestry. The request may be in the form of a check-off on the
33 billing statement or other form of request for a voluntary donation.

34 (b) Voluntary donations collected by municipal utilities under
35 this section may be used by the municipal utility to:

36 (i) Support the development and implementation of (~~evergreen~~
37 ~~community~~) urban forestry ordinances, as that term is defined in RCW
38 (~~35.105.010~~) 76.15.010, for cities, towns, or counties within their
39 service areas; or

1 (ii) Complete projects consistent with the ((~~model—evergreen~~
2 ~~community~~)) urban forestry management plans and ordinances developed
3 under RCW ((~~35.105.050~~)) 76.15.090.

4 (c) Donations received under this section do not contribute to
5 the gross income of a light and power business or gas distribution
6 business under chapter 82.16 RCW.

7 **Sec. 13.** RCW 35A.80.040 and 2008 c 299 s 20 are each amended to
8 read as follows:

9 (1) Code cities providing utility services under this chapter are
10 encouraged to provide information to their customers regarding
11 landscaping that includes tree planting for energy conservation.

12 (2)(a) Code cities providing utility services under this chapter
13 are encouraged to request voluntary donations from their customers
14 for the purposes of urban forestry. The request may be in the form of
15 a check-off on the billing statement or other form of a request for a
16 voluntary donation.

17 (b) Voluntary donations collected by code cities under this
18 section may be used by the code city to:

19 (i) Support the development and implementation of ((~~evergreen~~
20 ~~community~~)) urban forestry ordinances, as that term is defined in RCW
21 ((~~35.105.010~~)) 76.15.010, for cities, towns, or counties within their
22 service areas; or

23 (ii) Complete projects consistent with the ((~~model—evergreen~~
24 ~~community~~)) urban forestry management plans and ordinances developed
25 under RCW ((~~35.105.050~~)) 76.15.090.

26 (c) Donations received under this section do not contribute to
27 the gross income of a light and power business or gas distribution
28 business under chapter 82.16 RCW.

29 **Sec. 14.** RCW 80.28.300 and 2008 c 299 s 21 are each amended to
30 read as follows:

31 (1) Gas companies and electrical companies under this chapter are
32 encouraged to provide information to their customers regarding
33 landscaping that includes tree planting for energy conservation.

34 (2)(a) Gas companies and electrical companies under this chapter
35 may request voluntary donations from their customers for the purposes
36 of urban forestry. The request may be in the form of a check-off on
37 the billing statement or other form of a request for a voluntary
38 donation.

1 (b) Voluntary donations collected by gas companies and electrical
2 companies under this section may be used by the gas companies and
3 electrical companies to:

4 (i) Support the development and implementation of (~~evergreen~~
5 ~~community~~) urban forestry ordinances, as that term is defined in RCW
6 (~~35.105.010~~) 76.15.010, for cities, towns, or counties within their
7 service areas; or

8 (ii) Complete projects consistent with the (~~model evergreen~~
9 ~~community~~) urban forestry management plans and ordinances developed
10 under RCW (~~35.105.050~~) 76.15.090.

11 (c) Donations received under this section do not contribute to
12 the gross income of a light and power business or gas distribution
13 business under chapter 82.16 RCW.

14 **Sec. 15.** RCW 89.08.520 and 2008 c 299 s 27 are each amended to
15 read as follows:

16 (1) In administering grant programs to improve water quality and
17 protect habitat, the commission shall:

18 (a) Require grant recipients to incorporate the environmental
19 benefits of the project into their grant applications;

20 (b) In its grant prioritization and selection process, consider:

21 (i) The statement of environmental benefits;

22 (ii) Whether, except as conditioned by RCW 89.08.580, the
23 applicant is a Puget Sound partner, as defined in RCW 90.71.010, and
24 except as otherwise provided in RCW 89.08.590, and effective one
25 calendar year following the development and statewide availability of
26 (~~model evergreen community~~) urban forestry management plans and
27 ordinances under RCW (~~35.105.050~~) 76.15.090, whether the applicant
28 is an entity that has been recognized, and what gradation of
29 recognition was received, in the evergreen community (~~recognition~~)
30 designation program created in RCW (~~35.105.030~~) 76.15.090; and

31 (iii) Whether the project is referenced in the action agenda
32 developed by the Puget Sound partnership under RCW 90.71.310; and

33 (c) Not provide funding, after January 1, 2010, for projects
34 designed to address the restoration of Puget Sound that are in
35 conflict with the action agenda developed by the Puget Sound
36 partnership under RCW 90.71.310.

37 (2) (a) The commission shall also develop appropriate outcome-
38 focused performance measures to be used both for management and
39 performance assessment of the grant program.

1 (b) The commission shall work with the districts to develop
2 uniform performance measures across participating districts and, to
3 the extent possible, the commission should coordinate its performance
4 measure system with other natural resource-related agencies as
5 defined in RCW 43.41.270. The commission shall consult with affected
6 interest groups in implementing this section.

7 **Sec. 16.** RCW 79.105.150 and 2019 c 415 s 986 are each amended to
8 read as follows:

9 (1) After deduction for management costs as provided in RCW
10 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys
11 received by the state from the sale or lease of state-owned aquatic
12 lands and from the sale of valuable material from state-owned aquatic
13 lands shall be deposited in the aquatic lands enhancement account
14 which is hereby created in the state treasury. After appropriation,
15 these funds shall be used solely for aquatic lands enhancement
16 projects; for the purchase, improvement, or protection of aquatic
17 lands for public purposes; for providing and improving access to the
18 lands; and for volunteer cooperative fish and game projects. During
19 the 2017-2019 and 2019-2021 fiscal biennia, the aquatic lands
20 enhancement account may be used to support the shellfish program, the
21 ballast water program, hatcheries, the Puget Sound toxic sampling
22 program and steelhead mortality research at the department of fish
23 and wildlife, the knotweed program at the department of agriculture,
24 actions at the University of Washington for reducing ocean
25 acidification, which may include the creation of a center on ocean
26 acidification, the Puget SoundCorps program, and support of the
27 marine resource advisory council and the Washington coastal marine
28 advisory council. During the 2017-2019 and 2019-2021 fiscal biennia,
29 the legislature may transfer from the aquatic lands enhancement
30 account to the geoduck aquaculture research account for research
31 related to shellfish aquaculture. During the 2015-2017 fiscal
32 biennium, the legislature may transfer moneys from the aquatic lands
33 enhancement account to the marine resources stewardship trust
34 account.

35 (2) In providing grants for aquatic lands enhancement projects,
36 the recreation and conservation funding board shall:

37 (a) Require grant recipients to incorporate the environmental
38 benefits of the project into their grant applications;

1 (b) Utilize the statement of environmental benefits,
2 consideration, except as provided in RCW 79.105.610, of whether the
3 applicant is a Puget Sound partner, as defined in RCW 90.71.010,
4 whether a project is referenced in the action agenda developed by the
5 Puget Sound partnership under RCW 90.71.310, and except as otherwise
6 provided in RCW 79.105.630, and effective one calendar year following
7 the development and statewide availability of (~~model—evergreen~~
8 ~~community~~) urban forestry management plans and ordinances under RCW
9 (~~35.105.050~~) 76.15.090, whether the applicant is an entity that has
10 been recognized, and what gradation of recognition was received, in
11 the evergreen community (~~recognition~~) designation program created
12 in RCW (~~35.105.030~~) 76.15.090 in its prioritization and selection
13 process; and

14 (c) Develop appropriate outcome-focused performance measures to
15 be used both for management and performance assessment of the grants.

16 (3) To the extent possible, the department should coordinate its
17 performance measure system with other natural resource-related
18 agencies as defined in RCW 43.41.270.

19 (4) The department shall consult with affected interest groups in
20 implementing this section.

21 (5) Any project designed to address the restoration of Puget
22 Sound may be funded under this chapter only if the project is not in
23 conflict with the action agenda developed by the Puget Sound
24 partnership under RCW 90.71.310.

25 **Sec. 17.** RCW 43.155.120 and 2008 c 299 s 30 are each amended to
26 read as follows:

27 When administering funds under this chapter, the board shall give
28 preference only to an evergreen community recognized under RCW
29 (~~35.105.030~~) 76.15.090 in comparison to other entities that are
30 eligible to receive evergreen community designation. Entities not
31 eligible for designation as an evergreen community shall not be given
32 less preferential treatment than an evergreen community.

33 **Sec. 18.** RCW 70A.135.070 and 2020 c 20 s 1380 are each amended
34 to read as follows:

35 (1) When making grants or loans for water pollution control
36 facilities, the department shall consider the following:

37 (a) The protection of water quality and public health;

1 (b) The cost to residential ratepayers if they had to finance
2 water pollution control facilities without state assistance;

3 (c) Actions required under federal and state permits and
4 compliance orders;

5 (d) The level of local fiscal effort by residential ratepayers
6 since 1972 in financing water pollution control facilities;

7 (e) Except as otherwise conditioned by RCW 70A.135.110, whether
8 the entity receiving assistance is a Puget Sound partner, as defined
9 in RCW 90.71.010;

10 (f) Whether the project is referenced in the action agenda
11 developed by the Puget Sound partnership under RCW 90.71.310;

12 (g) Except as otherwise provided in RCW 70A.135.120, and
13 effective one calendar year following the development and statewide
14 availability of (~~model evergreen community~~) urban forestry
15 management plans and ordinances under RCW (~~35.105.050~~) 76.15.090,
16 whether the project is sponsored by an entity that has been
17 recognized, and what gradation of recognition was received, in the
18 evergreen community (~~recognition~~) designation program created in
19 RCW (~~35.105.030~~) 76.15.090;

20 (h) The extent to which the applicant county or city, or if the
21 applicant is another public body, the extent to which the county or
22 city in which the applicant public body is located, has established
23 programs to mitigate nonpoint pollution of the surface or
24 subterranean water sought to be protected by the water pollution
25 control facility named in the application for state assistance; and

26 (i) The recommendations of the Puget Sound partnership, created
27 in RCW 90.71.210, and any other board, council, commission, or group
28 established by the legislature or a state agency to study water
29 pollution control issues in the state.

30 (2) Except where necessary to address a public health need or
31 substantial environmental degradation, a county, city, or town
32 planning under RCW 36.70A.040 may not receive a grant or loan for
33 water pollution control facilities unless it has adopted a
34 comprehensive plan, including a capital facilities plan element, and
35 development regulations as required by RCW 36.70A.040. A county,
36 city, or town that has adopted a comprehensive plan and development
37 regulations as provided in RCW 36.70A.040 may request a grant or loan
38 for water pollution control facilities. This subsection does not
39 require any county, city, or town planning under RCW 36.70A.040 to
40 adopt a comprehensive plan or development regulations before

1 requesting a grant or loan under this chapter if such request is made
2 before the expiration of the time periods specified in RCW
3 36.70A.040. A county, city, or town planning under RCW 36.70A.040
4 that has not adopted a comprehensive plan and development regulations
5 within the time periods specified in RCW 36.70A.040 is not prohibited
6 from receiving a grant or loan under this chapter if the
7 comprehensive plan and development regulations are adopted as
8 required by RCW 36.70A.040 before the department executes a
9 contractual agreement for the grant or loan.

10 (3) Whenever the department is considering awarding grants or
11 loans for public facilities to special districts requesting funding
12 for a proposed facility located in a county, city, or town planning
13 under RCW 36.70A.040, it shall consider whether the county, city, or
14 town planning under RCW 36.70A.040 in whose planning jurisdiction the
15 proposed facility is located has adopted a comprehensive plan and
16 development regulations as required by RCW 36.70A.040.

17 (4) After January 1, 2010, any project designed to address the
18 effects of water pollution on Puget Sound may be funded under this
19 chapter only if the project is not in conflict with the action agenda
20 developed by the Puget Sound partnership under RCW 90.71.310.

21 **Sec. 19.** RCW 79A.15.040 and 2016 c 149 s 4 are each amended to
22 read as follows:

23 (1) Moneys appropriated for this chapter prior to July 1, 2016,
24 to the habitat conservation account shall be distributed in the
25 following way:

26 (a) Not less than forty percent through June 30, 2011, at which
27 time the amount shall become forty-five percent, for the acquisition
28 and development of critical habitat;

29 (b) Not less than thirty percent for the acquisition and
30 development of natural areas;

31 (c) Not less than twenty percent for the acquisition and
32 development of urban wildlife habitat; and

33 (d) Not less than ten percent through June 30, 2011, at which
34 time the amount shall become five percent, shall be used by the board
35 to fund restoration and enhancement projects on state lands. Only the
36 department of natural resources and the department of fish and
37 wildlife may apply for these funds to be used on existing habitat and
38 natural area lands.

1 (2) Moneys appropriated beginning July 1, 2016, for this chapter
2 to the habitat conservation account shall be distributed in the
3 following way:

4 (a) Not less than thirty-five percent for the acquisition and
5 development of critical habitat;

6 (b) Not less than twenty-five percent for the acquisition and
7 development of natural areas;

8 (c) Not less than fifteen percent for the acquisition or
9 enhancement or restoration of riparian habitat;

10 (d) Not less than fifteen percent for the acquisition and
11 development of urban wildlife habitat; and

12 (e) Not less than ten percent or three million dollars, whichever
13 is less, for the board to fund restoration and enhancement projects
14 on state lands. Any amount above three million dollars must be
15 distributed for the purposes of (c) of this subsection.

16 (3) (a) In distributing these funds, the board retains discretion
17 to meet the most pressing needs for critical habitat, natural areas,
18 riparian protection, and urban wildlife habitat, and is not required
19 to meet the percentages described in subsections (1) and (2) of this
20 section in any one biennium.

21 (b) If not enough project applications are submitted in a
22 category within the habitat conservation account to meet the
23 percentages described in subsections (1) and (2) of this section in
24 any biennium, the board retains discretion to distribute any
25 remaining funds to the other categories within the account.

26 (4) State agencies and nonprofit nature conservancies may apply
27 for acquisition and development funds for natural areas projects
28 under subsection (1) (b) of this section.

29 (5) State and local agencies and nonprofit nature conservancies
30 may apply for acquisition and development funds for critical habitat,
31 urban wildlife habitat, and riparian protection projects under this
32 section. Other state agencies not defined in RCW 79A.15.010, such as
33 the department of transportation and the department of corrections,
34 may enter into interagency agreements with state agencies to apply in
35 partnership for riparian protection funds under this section.

36 (6) The department of natural resources, the department of fish
37 and wildlife, and the state parks and recreation commission may apply
38 for restoration and enhancement funds to be used on existing state-
39 owned lands.

1 (7) (a) Any lands that have been acquired with grants under this
2 section by the department of fish and wildlife are subject to an
3 amount in lieu of real property taxes and an additional amount for
4 control of noxious weeds as determined by RCW 77.12.203.

5 (b) Any lands that have been acquired with grants under this
6 section by the department of natural resources are subject to
7 payments in the amounts required under the provisions of RCW
8 79.70.130 and 79.71.130.

9 (8) Except as otherwise conditioned by RCW 79A.15.140 or
10 79A.15.150, the board in its evaluating process shall consider the
11 following in determining distribution priority:

12 (a) Whether the entity applying for funding is a Puget Sound
13 partner, as defined in RCW 90.71.010;

14 (b) Effective one calendar year following the development and
15 statewide availability of (~~model evergreen community~~) urban
16 forestry management plans and ordinances under RCW (~~(35.105.050)~~)
17 76.15.090, whether the entity receiving assistance has been
18 recognized, and what gradation of recognition was received, in the
19 evergreen community (~~(recognition)~~) designation program created in
20 RCW (~~(35.105.030)~~) 76.15.090; and

21 (c) Whether the project is referenced in the action agenda
22 developed by the Puget Sound partnership under RCW 90.71.310.

23 (9) After January 1, 2010, any project designed to address the
24 restoration of Puget Sound may be funded under this chapter only if
25 the project is not in conflict with the action agenda developed by
26 the Puget Sound partnership under RCW 90.71.310.

27 **Sec. 20.** RCW 36.01.260 and 2008 c 299 s 15 are each amended to
28 read as follows:

29 (1) Any county may adopt (~~evergreen community~~) urban forestry
30 ordinances, as that term is defined in RCW (~~(35.105.010)~~) 76.15.010,
31 which the county must apply to new building or land development in
32 the unincorporated portions of the county's urban growth areas, as
33 that term is defined in RCW 36.70A.030, and may apply to other areas
34 of the county as deemed appropriate by the county.

35 (2) As an alternative to subsection (1) of this section, a city
36 or town may request that the county in which it is located apply to
37 any new building or land development permit in the unincorporated
38 portions of the urban growth areas, as defined in RCW 36.70A.030, the
39 (~~evergreen community~~) urban forestry ordinances standards adopted

1 under RCW (~~(35.105.090)~~) 76.15.090 by the city or town in the county
2 located closest to the proposed building or development.

3 **Sec. 21.** RCW 54.16.400 and 2008 c 299 s 22 are each amended to
4 read as follows:

5 (1) Public utility districts may request voluntary donations from
6 their customers for the purposes of urban forestry. The request may
7 be in the form of a check-off on the billing statement or other form
8 of a request for a voluntary donation.

9 (2) Voluntary donations collected by public utility districts
10 under this section may be used by the public utility district to:

11 (a) Support the development and implementation of (~~evergreen~~
12 ~~community~~) urban forestry ordinances, as that term is defined in RCW
13 (~~(35.105.010)~~) 76.15.010, for cities, towns, or counties within their
14 service areas; or

15 (b) Complete projects consistent with the (~~model—evergreen~~
16 ~~community~~) urban forestry management plans and ordinances developed
17 under RCW (~~(35.105.050)~~) 76.15.090.

18 (3) Donations received under this section do not contribute to
19 the gross income of a light and power business or gas distribution
20 business under chapter 82.16 RCW.

21 **Sec. 22.** RCW 89.08.590 and 2008 c 299 s 32 are each amended to
22 read as follows:

23 When administering funds under this chapter, the commission shall
24 give preference only to an evergreen community recognized under RCW
25 (~~(35.105.030)~~) 76.15.090 in comparison to other entities that are
26 eligible to receive evergreen community designation. Entities not
27 eligible for designation as an evergreen community shall not be given
28 less preferential treatment than an evergreen community.

29 **Sec. 23.** RCW 79.105.630 and 2008 c 299 s 33 are each amended to
30 read as follows:

31 When administering funds under this chapter, the recreation and
32 conservation funding board shall give preference only to an evergreen
33 community recognized under RCW (~~(35.105.030)~~) 76.15.090 in comparison
34 to other entities that are eligible to receive evergreen community
35 designation. Entities not eligible for designation as an evergreen
36 community shall not be given less preferential treatment than an
37 evergreen community.

1 **Sec. 24.** RCW 79A.15.150 and 2008 c 299 s 34 are each amended to
2 read as follows:

3 When administering funds under this chapter, the recreation and
4 conservation funding board shall give preference only to an evergreen
5 community recognized under RCW (~~(35.105.030)~~) 76.15.090 in comparison
6 to other entities that are eligible to receive evergreen community
7 designation. Entities not eligible for designation as an evergreen
8 community shall not be given less preferential treatment than an
9 evergreen community.

10 NEW SECTION. **Sec. 25.** If specific funding for the purposes of
11 this act, referencing this act by bill or chapter number, is not
12 provided by June 30, 2021, in the omnibus appropriations act, this
13 act is null and void.

14 NEW SECTION. **Sec. 26.** The following acts or parts of acts are
15 each repealed:

16 (1) RCW 35.105.010 (Definitions) and 2009 c 565 s 21 & 2008 c 299
17 s 2;

18 (2) RCW 35.105.020 (Coordination with department of natural
19 resources) and 2008 c 299 s 6;

20 (3) RCW 35.105.030 (Evergreen community recognition program) and
21 2008 c 299 s 7;

22 (4) RCW 35.105.040 (Evergreen community grant and competitive
23 awards program) and 2008 c 299 s 9;

24 (5) RCW 35.105.050 (Development of model evergreen community
25 management plans and ordinances) and 2008 c 299 s 10;

26 (6) RCW 35.105.060 (Report to the legislature) and 2008 c 299 s
27 11;

28 (7) RCW 35.105.070 (Model evergreen community management plans—
29 Elements to consider) and 2008 c 299 s 12;

30 (8) RCW 35.105.080 (Model evergreen community ordinances—Elements
31 to consider) and 2008 c 299 s 13;

32 (9) RCW 35.105.090 (Evergreen community management plans and
33 ordinances—Local jurisdictions may adopt) and 2008 c 299 s 14;

34 (10) RCW 35.105.100 (Submission and review of management plans
35 and evergreen community ordinances) and 2008 c 299 s 16;

36 (11) RCW 35.105.110 (Evergreen communities partnership task
37 force) and 2008 c 299 s 17;

1 (12) RCW 35.105.120 (Limitations of chapter) and 2008 c 299 s 18;
2 (13) RCW 76.15.070 (Prioritized statewide inventory of community
3 and urban forests—Community and urban forest assessment—Criteria and
4 implementation plan) and 2008 c 299 s 4; and
5 (14) RCW 76.15.080 (Technical advisory committee) and 2008 c 299
6 s 5."

E2SHB 1216 - S COMM AMD
By Committee on Agriculture, Water, Natural Resources & Parks

ADOPTED 04/09/2021

7 On page 1, line 1 of the title, after "forestry;" strike the
8 remainder of the title and insert "amending RCW 76.15.005, 76.15.007,
9 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090,
10 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 43.155.120,
11 70A.135.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630,
12 and 79A.15.150; adding new sections to chapter 76.15 RCW; creating
13 new sections; and repealing RCW 35.105.010, 35.105.020, 35.105.030,
14 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080,
15 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and
16 76.15.080."

EFFECT: Clarifies that a private property owner may opt out of a voluntary urban and community forest program established by a city, county, or federally recognized tribe under the Urban and Community Forest Program administered by the Department of Natural Resources.

--- END ---