
SECOND SUBSTITUTE HOUSE BILL 1216

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney, and Ramel; by request of Department of Natural Resources)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to urban and community forestry; amending RCW
2 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050,
3 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520,
4 79.105.150, 43.155.120, 70A.135.070, 79A.15.040, 36.01.260,
5 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections
6 to chapter 76.15 RCW; creating new sections; and repealing RCW
7 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050,
8 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100,
9 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 NEW SECTION. **Sec. 1.** (1) The legislature finds that
12 preservation and enhancement of city trees and urban forests
13 contributes multiple benefits, including stormwater management,
14 carbon sequestration, local air and water quality enhancements, and
15 fish and wildlife habitat, and is a cost-effective way to meet these
16 objectives. The legislature further finds that climate change is
17 impacting our state in numerous ways, including summer heat waves,
18 heavier winter rains, and lower air quality, all of which can be
19 improved by increased tree canopy. The legislature further finds that
20 modern and well-crafted urban forestry programs can have significant
21 additional benefits related to human health, especially when

1 delivered in highly impacted communities with higher health
2 disparities and that also have lower existing tree canopy.
3 Significant research exists demonstrating health benefits of trees
4 and green spaces, including air and water quality improvements,
5 positive emotional responses to being in nature, physical activity,
6 and social cohesion through interacting in public green spaces.
7 Furthermore, the legislature finds that Washington state faces
8 continued urgency in adequately protecting essential salmon habitat,
9 which is necessary to promote salmon recovery and thus help protect
10 our endangered southern resident killer whale population. It is the
11 intent of the legislature to enhance urban forestry programs that
12 maximize cobenefits related to human health and salmon recovery.

13 (2) The legislature further recognizes that the existing
14 evergreen communities act, in chapter 76.15 RCW and related programs
15 in state law, established a successful framework for supporting urban
16 forestry in Washington state. That act established the need for tools
17 including canopy assessment and regional tree canopy analysis, and
18 targeted technical assistance to support cities and counties seeking
19 to deliver impactful urban forestry programs. The legislature intends
20 to modernize and add capacity to the evergreen communities act by
21 utilizing information and analysis around environmental health
22 disparities and salmon recovery plans, and increasing capacity for
23 the delivery of an urban forestry program in order to strengthen and
24 enhance the impacts of this act and to expand participation to
25 include federally recognized tribes and other community-based
26 organizations.

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

29 (1) Trees and other woody vegetation are a necessary and
30 important part of community (~~and urban~~) environments. (~~Community~~
31 ~~and urban~~) Urban and community forests have many values and uses
32 including conserving energy, reducing air and water pollution and
33 soil erosion, contributing to property values, attracting business,
34 reducing glare and noise, providing aesthetic and historical values,
35 providing wood products, and affording comfort and protection for
36 humans and wildlife.

37 (2) (~~As urban and community areas in Washington state grow, the~~
38 ~~need to plan for and protect community and urban forests increases.~~
39 ~~Cities and communities benefit from assistance in developing and~~

1 ~~maintaining community and urban forestry programs that also address~~
2 ~~future growth.~~

3 ~~(3) Assistance and encouragement in establishment, retention, and~~
4 ~~enhancement of these forests and trees by local governments,~~
5 ~~citizens, organizations, and professionals are in the interest of the~~
6 ~~state based on the contributions these forests make in preserving and~~
7 ~~enhancing the quality of life of Washington's municipalities and~~
8 ~~counties while providing opportunities for economic development)) As~~
9 ~~urban and community areas in Washington state grow, the need to plan~~
10 ~~for, promote, and manage urban and community forests increases.~~
11 ~~Cities and communities benefit from assistance in developing and~~
12 ~~maintaining urban and community forestry programs that also address~~
13 ~~future growth.~~

14 ~~(3) Assistance and encouragement in the establishment, retention,~~
15 ~~and enhancement of these forests and trees by local governments,~~
16 ~~residents, organizations, and professionals are in the interest of~~
17 ~~the state based on the contributions these forests make in preserving~~
18 ~~and enhancing the quality of life of Washington's cities, counties,~~
19 ~~and tribal lands while providing opportunities for economic~~
20 ~~development.~~

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

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

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

28 The purpose of this chapter is to:

29 (1) ~~Encourage ((planting and maintenance and management of trees~~
30 ~~in the state's municipalities and counties and maximize the potential~~
31 ~~of tree and vegetative cover in improving the quality of the~~
32 ~~environment.~~

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

36 ~~(3) Foster healthy economic activity for the state's community~~
37 ~~and urban 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 community and urban forestry activities including opportunities~~
3 ~~for inner city youth to learn teamwork, resource conservation,~~
4 ~~environmental appreciation, and job skills.~~

5 ~~(5) Provide meaningful voluntary opportunities for the state's~~
6 ~~citizens and organizations interested in community and urban forestry~~
7 ~~activities)) planning for, planting, maintaining, and managing of~~
8 ~~trees in the state's cities, counties, and tribal lands and maximize~~
9 ~~the potential of tree and vegetative cover in improving the quality~~
10 ~~of the environment;~~

11 (2) Encourage the coordination of activities by state, local
12 agency, and federally recognized tribes, and maximize resident
13 participation in the development and implementation of urban and
14 community forestry-related programs, including through capacity
15 building to facilitate participation from new partners;

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

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

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

26 (6) Contribute to improved human health through targeted delivery
27 of programs and activities in highly impacted communities with
28 greater health disparities;

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

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

34 ~~((Unless the context clearly requires otherwise, the))~~ The
35 definitions in this section apply throughout this chapter unless the
36 context clearly requires otherwise.

37 ~~(1) ("Community and urban forest" is that land in and around~~
38 ~~human settlements ranging from small communities to metropolitan~~
39 ~~areas, occupied or potentially occupied by trees and associated~~

1 ~~vegetation. Community and urban forestland may be planted or~~
2 ~~unplanted, used or unused, and includes public and private lands,~~
3 ~~lands along transportation and utility corridors, and forested~~
4 ~~watershed lands within populated areas.~~

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

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

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

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

14 ~~((6) "Municipality" means a city, town, port district, public~~
15 ~~school district, community college district, irrigation district,~~
16 ~~weed control district, park district, or other political subdivision~~
17 ~~of the state.~~

18 ~~(7) "Person" means an individual, partnership, private or public~~
19 ~~municipal corporation, Indian tribe, state entity, county or local~~
20 ~~governmental entity, or association of individuals of whatever~~
21 ~~nature.))~~

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

24 (3) "Highly impacted community" has the same meaning as defined
25 in RCW 19.405.020 or an equivalent cumulative impacts analysis that
26 identifies the environmental health conditions of communities as a
27 factor of both environmental health hazards and vulnerable
28 populations as defined in RCW 19.405.020.

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

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

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

36 (7) "Urban and community forest" or "urban forest" is that land
37 in and around human settlements ranging from small communities to
38 metropolitan areas, occupied or potentially occupied by trees and
39 associated vegetation. Urban and community forestland may be planted
40 or unplanted, used or unused, and includes public and private lands,

1 lands along transportation and utility corridors, and forested
2 watershed lands within populated areas. Nothing in this chapter may
3 be construed to apply to lands subject to or designated under chapter
4 76.09, 79.70, 79.71, 84.33, or 84.34 RCW.

5 (8) "Urban and community forest assessment" or "urban forest
6 assessment" means an analysis of the urban and community forest
7 inventory to: Establish the scope and scale of forest-related
8 benefits and services; determine the economic valuation of such
9 benefits, highlight trends, and issues of concern; identify high
10 priority areas to be addressed; outline strategies for addressing the
11 critical issues and urban landscapes; and identify opportunities for
12 retaining trees, expanding forest canopy, and planting additional
13 trees to sustain Washington's urban and community forests.

14 (9) "Urban and community forest inventory" or "urban forest
15 inventory" means a management tool designed to gauge the condition,
16 management status, health, and diversity of an urban and community
17 forest. An inventory may evaluate individual trees or groups of trees
18 or canopy cover within urban and community forests, and will be
19 periodically updated by the department.

20 (10) "Urban and community forestry" or "urban forestry" means the
21 planning, establishment, protection, care, and management of trees
22 and associated plants individually, in small groups, or under more
23 naturally forested conditions within cities, counties, and tribal
24 lands.

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

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

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

32 (1) ~~The department may establish and maintain a program in~~
33 ~~((community and urban forestry to accomplish the purpose stated in~~
34 ~~RCW 76.15.007. The department may assist municipalities and counties~~
35 ~~in establishing and maintaining community and urban forestry programs~~
36 ~~and encourage persons to engage in appropriate and improved tree~~
37 ~~management and care.~~

38 ~~(2) The department may advise, encourage, and assist~~
39 ~~municipalities, counties, and other public and private entities in~~

1 ~~the development and coordination of policies, programs, and~~
2 ~~activities for the promotion of community and urban forestry.~~

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

7 ~~(4) The department may assist municipal and county tree~~
8 ~~maintenance programs by making surplus equipment available on loan~~
9 ~~where feasible for community and urban)) urban and community forestry~~
10 ~~to accomplish the purpose stated in RCW 76.15.007. The department may~~
11 ~~assist cities, counties, and federally recognized tribes in~~
12 ~~establishing and maintaining urban and community forestry programs~~
13 ~~and encourage appropriate and improved tree management and care.~~

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

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

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

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

27 The department may:

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

31 (2) Receive such gifts, grants, bequests, and endowments and
32 donations of labor, material, seedlings, and equipment from public or
33 private sources as may be made for the purpose of carrying out the
34 provisions of this chapter, and may spend the gifts, grants,
35 bequests, endowments, and donations as well as other moneys from
36 public or private sources.

37 (3) Charge fees for attendance at workshops and conferences, and
38 for various publications and other materials that the department may
39 prepare.

1 (4) Enter into agreements and contracts with (~~persons having~~
2 ~~community and urban~~) cities, counties, tribes, nonprofit
3 organizations, and others having urban and community forestry-related
4 responsibilities.

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

7 The department may enter into agreements with one or more
8 nonprofit organizations whose primary purpose is urban tree planting.
9 The agreements (~~shall be to further public education about and~~
10 ~~support for urban tree planting, and for obtaining voluntary~~
11 ~~activities by the local community organizations in tree planting~~
12 ~~programs. The agreements shall ensure that such programs are~~
13 ~~consistent with the purposes of the community and urban~~) must be
14 directed at furthering public education about and support for urban
15 tree planning, planting, establishment, care, and long-term
16 maintenance, and for obtaining voluntary activities by the local
17 community organizations in tree planting programs. The agreements
18 must ensure these programs are consistent with the purposes of the
19 urban and community forestry program under this chapter.

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

22 The department (~~shall encourage urban planting of tree varieties~~
23 ~~that are site-appropriate and provide the best combination of energy~~
24 ~~and water conservation, fire safety and other safety, wildlife~~
25 ~~habitat~~) must encourage urban planting and care through
26 establishment and long-term management of trees, encouraging
27 varieties that are site-appropriate and provide the best combination
28 of energy and water conservation, fire safety and other safety,
29 wildlife habitat, stormwater management, and aesthetic value. The
30 department may provide technical assistance in developing programs in
31 tree planting for energy conservation in areas of the state where
32 such programs are most cost-effective. The department must conduct
33 analyses and prioritize target regions for delivery of programs,
34 policies, and activities that include criteria related to human
35 health and salmon recovery data as provided in section 9 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (6) The department must ensure a minimum of 50 percent of the
40 resources used in delivering the policies, programs, and activities

1 of this chapter are benefiting vulnerable populations and are
2 delivered in or within one-quarter mile of highly impacted
3 communities as identified by the tools described in subsection (2)(b)
4 of this section, and scale these resources so the most resources are
5 allocated to the highest impacted communities within these areas.
6 This includes resources for establishing and maintaining new trees as
7 well as maintenance of existing tree canopy.

8 (7) The department shall conduct a statewide inventory of urban
9 and community forests using urban forest inventory and assessment
10 protocols established by the United States forest service to produce
11 statistically relevant estimates of the quantity, health,
12 composition, and benefits of urban trees and forests. Inventory data
13 must be maintained and periodically updated.

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

16 (1) The department must provide technical assistance and capacity
17 building resources and opportunities to cities, counties, federally
18 recognized tribes, and other public and private entities in the
19 development and coordination of policies, programs, and activities
20 for the promotion of urban and community forestry.

21 (2) The department may use existing urban and community forestry
22 inventory tools or develop additional tools to assist cities,
23 counties, federally recognized tribes, and other public and private
24 entities to collect urban and community forest tree data that informs
25 urban and community forestry management, planning, and policy
26 development.

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

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

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

38 (b) Canopy cover goals;

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

1 (c) Vegetated stormwater runoff management using native trees and
2 appropriate nonnative, nonnaturalized vegetation;

3 (d) Clearing, grading, protection of soils, reductions in soil
4 compaction, and use of appropriate soils with low runoff potential
5 and high infiltration rates;

6 (e) Appropriate tree siting and maintenance for vegetation
7 management practices and programs to prevent vegetation from
8 interfering with or damaging utilities and public facilities;

9 (f) Native species and nonnative, nonnaturalized species
10 diversity selection to reduce disease and pests in urban forests;

11 (g) Tree maintenance;

12 (h) Street tree installation and maintenance;

13 (i) Tree and vegetation buffers for riparian areas, critical
14 areas, transportation and utility corridors, and commercial and
15 residential areas;

16 (j) Tree assessments for new construction permitting;

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

18 (l) Variances for hardship and safety;

19 (m) Variances to avoid conflicts with renewable solar energy
20 infrastructure, passive solar building design, and locally grown
21 produce; and

22 (n) Permits and appeals.

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

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

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

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

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

1 (1) The department shall manage the application and evaluation of
2 candidates for evergreen community designation ((under—RCW
3 35.105.030, and forward its recommendations to the department of
4 community, trade, and economic development)).

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

9 (3) Designation as an evergreen community must include no fewer
10 than two graduated steps. The department may require additional
11 graduated steps and establish the minimum requirements for each
12 recognized step.

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

15 (i) The development and implementation of a tree board or tree
16 department;

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

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

20 (iv) Official recognition of arbor day; and

21 (v) The completion of or update to an existing urban forest
22 inventory for the city, county, or tribal land, or the formal
23 adoption of an inventory developed for the city, county, or tribe by
24 the department.

25 (b) The second graduated step of designation as an evergreen
26 community includes the adoption of an urban forestry management plan.
27 The management plan must:

28 (i) Exceed the minimum standards determined by the department;
29 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (i) Support the development and implementation of (~~evergreen~~
33 ~~community~~) urban forestry ordinances, as that term is defined in RCW
34 (~~35.105.010~~) 76.15.010, for cities, towns, or counties within their
35 service areas; or

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

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

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

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

9 (2)(a) Gas companies and electrical companies under this chapter
10 may request voluntary donations from their customers for the purposes
11 of urban forestry. The request may be in the form of a check-off on
12 the billing statement or other form of a request for a voluntary
13 donation.

14 (b) Voluntary donations collected by gas companies and electrical
15 companies under this section may be used by the gas companies and
16 electrical companies to:

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

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

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

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

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

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

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

34 (i) The statement of environmental benefits;

35 (ii) Whether, except as conditioned by RCW 89.08.580, the
36 applicant is a Puget Sound partner, as defined in RCW 90.71.010, and
37 except as otherwise provided in RCW 89.08.590, and effective one
38 calendar year following the development and statewide availability of

1 ((~~model evergreen community~~)) urban forestry management plans and
2 ordinances under RCW ((~~35.105.050~~)) 76.15.090, whether the applicant
3 is an entity that has been recognized, and what gradation of
4 recognition was received, in the evergreen community ((~~recognition~~))
5 designation program created in RCW ((~~35.105.030~~)) 76.15.090; and

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

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

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

15 (b) The commission shall work with the districts to develop
16 uniform performance measures across participating districts and, to
17 the extent possible, the commission should coordinate its performance
18 measure system with other natural resource-related agencies as
19 defined in RCW 43.41.270. The commission shall consult with affected
20 interest groups in implementing this section.

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

23 (1) After deduction for management costs as provided in RCW
24 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys
25 received by the state from the sale or lease of state-owned aquatic
26 lands and from the sale of valuable material from state-owned aquatic
27 lands shall be deposited in the aquatic lands enhancement account
28 which is hereby created in the state treasury. After appropriation,
29 these funds shall be used solely for aquatic lands enhancement
30 projects; for the purchase, improvement, or protection of aquatic
31 lands for public purposes; for providing and improving access to the
32 lands; and for volunteer cooperative fish and game projects. During
33 the 2017-2019 and 2019-2021 fiscal biennia, the aquatic lands
34 enhancement account may be used to support the shellfish program, the
35 ballast water program, hatcheries, the Puget Sound toxic sampling
36 program and steelhead mortality research at the department of fish
37 and wildlife, the knotweed program at the department of agriculture,
38 actions at the University of Washington for reducing ocean
39 acidification, which may include the creation of a center on ocean

1 acidification, the Puget SoundCorps program, and support of the
2 marine resource advisory council and the Washington coastal marine
3 advisory council. During the 2017-2019 and 2019-2021 fiscal biennia,
4 the legislature may transfer from the aquatic lands enhancement
5 account to the geoduck aquaculture research account for research
6 related to shellfish aquaculture. During the 2015-2017 fiscal
7 biennium, the legislature may transfer moneys from the aquatic lands
8 enhancement account to the marine resources stewardship trust
9 account.

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

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

14 (b) Utilize the statement of environmental benefits,
15 consideration, except as provided in RCW 79.105.610, of whether the
16 applicant is a Puget Sound partner, as defined in RCW 90.71.010,
17 whether a project is referenced in the action agenda developed by the
18 Puget Sound partnership under RCW 90.71.310, and except as otherwise
19 provided in RCW 79.105.630, and effective one calendar year following
20 the development and statewide availability of (~~model—evergreen~~
21 ~~community~~) urban forestry management plans and ordinances under RCW
22 (~~(35.105.050)~~) 76.15.090, whether the applicant is an entity that has
23 been recognized, and what gradation of recognition was received, in
24 the evergreen community (~~(recognition)~~) designation program created
25 in RCW (~~(35.105.030)~~) 76.15.090 in its prioritization and selection
26 process; and

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

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

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

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

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

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

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

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

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

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

14 (c) Actions required under federal and state permits and
15 compliance orders;

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

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

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

23 (g) Except as otherwise provided in RCW 70A.135.120, and
24 effective one calendar year following the development and statewide
25 availability of (~~(model evergreen community)~~) urban forestry
26 management plans and ordinances under RCW (~~(35.105.050)~~) 76.15.090,
27 whether the project is sponsored by an entity that has been
28 recognized, and what gradation of recognition was received, in the
29 evergreen community (~~(recognition)~~) designation program created in
30 RCW (~~(35.105.030)~~) 76.15.090;

31 (h) The extent to which the applicant county or city, or if the
32 applicant is another public body, the extent to which the county or
33 city in which the applicant public body is located, has established
34 programs to mitigate nonpoint pollution of the surface or
35 subterranean water sought to be protected by the water pollution
36 control facility named in the application for state assistance; and

37 (i) The recommendations of the Puget Sound partnership, created
38 in RCW 90.71.210, and any other board, council, commission, or group

1 established by the legislature or a state agency to study water
2 pollution control issues in the state.

3 (2) Except where necessary to address a public health need or
4 substantial environmental degradation, a county, city, or town
5 planning under RCW 36.70A.040 may not receive a grant or loan for
6 water pollution control facilities unless it has adopted a
7 comprehensive plan, including a capital facilities plan element, and
8 development regulations as required by RCW 36.70A.040. A county,
9 city, or town that has adopted a comprehensive plan and development
10 regulations as provided in RCW 36.70A.040 may request a grant or loan
11 for water pollution control facilities. This subsection does not
12 require any county, city, or town planning under RCW 36.70A.040 to
13 adopt a comprehensive plan or development regulations before
14 requesting a grant or loan under this chapter if such request is made
15 before the expiration of the time periods specified in RCW
16 36.70A.040. A county, city, or town planning under RCW 36.70A.040
17 that has not adopted a comprehensive plan and development regulations
18 within the time periods specified in RCW 36.70A.040 is not prohibited
19 from receiving a grant or loan under this chapter if the
20 comprehensive plan and development regulations are adopted as
21 required by RCW 36.70A.040 before the department executes a
22 contractual agreement for the grant or loan.

23 (3) Whenever the department is considering awarding grants or
24 loans for public facilities to special districts requesting funding
25 for a proposed facility located in a county, city, or town planning
26 under RCW 36.70A.040, it shall consider whether the county, city, or
27 town planning under RCW 36.70A.040 in whose planning jurisdiction the
28 proposed facility is located has adopted a comprehensive plan and
29 development regulations as required by RCW 36.70A.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (5) State and local agencies and nonprofit nature conservancies
5 may apply for acquisition and development funds for critical habitat,
6 urban wildlife habitat, and riparian protection projects under this
7 section. Other state agencies not defined in RCW 79A.15.010, such as
8 the department of transportation and the department of corrections,
9 may enter into interagency agreements with state agencies to apply in
10 partnership for riparian protection funds under this section.

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

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

19 (b) Any lands that have been acquired with grants under this
20 section by the department of natural resources are subject to
21 payments in the amounts required under the provisions of RCW
22 79.70.130 and 79.71.130.

23 (8) Except as otherwise conditioned by RCW 79A.15.140 or
24 79A.15.150, the board in its evaluating process shall consider the
25 following in determining distribution priority:

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

28 (b) Effective one calendar year following the development and
29 statewide availability of ~~((model—evergreen—community))~~ urban
30 forestry management plans and ordinances under RCW ~~((35.105.050))~~
31 76.15.090, whether the entity receiving assistance has been
32 recognized, and what gradation of recognition was received, in the
33 evergreen community ~~((recognition))~~ designation program created in
34 RCW ~~((35.105.030))~~ 76.15.090; and

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

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

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

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

9 (2) As an alternative to subsection (1) of this section, a city
10 or town may request that the county in which it is located apply to
11 any new building or land development permit in the unincorporated
12 portions of the urban growth areas, as defined in RCW 36.70A.030, the
13 (~~evergreen community~~) urban forestry ordinances standards adopted
14 under RCW (~~35.105.090~~) 76.15.090 by the city or town in the county
15 located closest to the proposed building or development.

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

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

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

24 (a) Support the development and implementation of (~~evergreen~~
25 ~~community~~) urban forestry ordinances, as that term is defined in RCW
26 (~~35.105.010~~) 76.15.010, for cities, towns, or counties within their
27 service areas; or

28 (b) Complete projects consistent with the (~~model evergreen~~
29 ~~community~~) urban forestry management plans and ordinances developed
30 under RCW (~~35.105.050~~) 76.15.090.

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

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

36 When administering funds under this chapter, the commission shall
37 give preference only to an evergreen community recognized under RCW
38 (~~35.105.030~~) 76.15.090 in comparison to other entities that are

1 eligible to receive evergreen community designation. Entities not
2 eligible for designation as an evergreen community shall not be given
3 less preferential treatment than an evergreen community.

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

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

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

15 When administering funds under this chapter, the recreation and
16 conservation funding board shall give preference only to an evergreen
17 community recognized under RCW (~~(35.105.030)~~) 76.15.090 in comparison
18 to other entities that are eligible to receive evergreen community
19 designation. Entities not eligible for designation as an evergreen
20 community shall not be given less preferential treatment than an
21 evergreen community.

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

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

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

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

32 (3) RCW 35.105.030 (Evergreen community recognition program) and
33 2008 c 299 s 7;

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

1 (5) RCW 35.105.050 (Development of model evergreen community
2 management plans and ordinances) and 2008 c 299 s 10;
3 (6) RCW 35.105.060 (Report to the legislature) and 2008 c 299 s
4 11;
5 (7) RCW 35.105.070 (Model evergreen community management plans—
6 Elements to consider) and 2008 c 299 s 12;
7 (8) RCW 35.105.080 (Model evergreen community ordinances—Elements
8 to consider) and 2008 c 299 s 13;
9 (9) RCW 35.105.090 (Evergreen community management plans and
10 ordinances—Local jurisdictions may adopt) and 2008 c 299 s 14;
11 (10) RCW 35.105.100 (Submission and review of management plans
12 and evergreen community ordinances) and 2008 c 299 s 16;
13 (11) RCW 35.105.110 (Evergreen communities partnership task
14 force) and 2008 c 299 s 17;
15 (12) RCW 35.105.120 (Limitations of chapter) and 2008 c 299 s 18;
16 (13) RCW 76.15.070 (Prioritized statewide inventory of community
17 and urban forests—Community and urban forest assessment—Criteria and
18 implementation plan) and 2008 c 299 s 4; and
19 (14) RCW 76.15.080 (Technical advisory committee) and 2008 c 299
20 s 5.

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