

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1216**

67th Legislature  
2021 Regular Session

Passed by the House April 12, 2021  
Yeas 61 Nays 37

---

**Speaker of the House of  
Representatives**

Passed by the Senate April 9, 2021  
Yeas 45 Nays 3

---

**President of the Senate**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1216** as passed by the House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1216**

---

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

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

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

32 The department may:

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

36 (2) Receive such gifts, grants, bequests, and endowments and  
37 donations of labor, material, seedlings, and equipment from public or  
38 private sources as may be made for the purpose of carrying out the  
39 provisions of this chapter, and may spend the gifts, grants,



1 bequests, endowments, and donations as well as other moneys from  
2 public or private sources.

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

6 (4) Enter into agreements and contracts with (~~persons having~~  
7 ~~community and urban~~) cities, counties, tribes, nonprofit  
8 organizations, and others having urban and community forestry-related  
9 responsibilities.

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

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

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

27 The department (~~shall encourage urban planting of tree varieties~~  
28 ~~that are site-appropriate and provide the best combination of energy~~  
29 ~~and water conservation, fire safety and other safety, wildlife~~  
30 ~~habitat~~) must encourage urban planting and care through  
31 establishment and long-term management of trees, encouraging  
32 varieties that are site-appropriate and provide the best combination  
33 of energy and water conservation, fire safety and other safety,  
34 wildlife habitat, stormwater management, and aesthetic value. The  
35 department may provide technical assistance in developing programs in  
36 tree planting for energy conservation in areas of the state where  
37 such programs are most cost-effective. The department must conduct  
38 analyses and prioritize target regions for delivery of programs,

1 policies, and activities that include criteria related to human  
2 health and salmon recovery data as provided in section 9 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (7) The department shall conduct a statewide inventory of urban  
15 and community forests using urban forest inventory and assessment  
16 protocols established by the United States forest service to produce  
17 statistically relevant estimates of the quantity, health,  
18 composition, and benefits of urban trees and forests. Inventory data  
19 must be maintained and periodically updated.

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

22 (1) The department must provide technical assistance and capacity  
23 building resources and opportunities to cities, counties, federally  
24 recognized tribes, and other public and private entities in the  
25 development and coordination of policies, programs, and activities  
26 for the promotion of urban and community forestry.

27 (2) The department may use existing urban and community forestry  
28 inventory tools or develop additional tools to assist cities,  
29 counties, federally recognized tribes, and other public and private  
30 entities to collect urban and community forest tree data that informs  
31 urban and community forestry management, planning, and policy  
32 development.

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

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

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

1 (5) The department may use existing tools to assist communities  
2 to develop urban forestry ordinances. Ordinances may include, but not  
3 be limited to, the following elements:

4 (a) Tree canopy cover, density, and spacing;

5 (b) Tree conservation and retention;

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

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

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

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

16 (g) Tree maintenance;

17 (h) Street tree installation and maintenance;

18 (i) Tree and vegetation buffers for riparian areas, critical  
19 areas, transportation and utility corridors, and commercial and  
20 residential areas;

21 (j) Tree assessments for new construction permitting;

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

23 (l) Variances for hardship and safety;

24 (m) Variances to avoid conflicts with renewable solar energy  
25 infrastructure, passive solar building design, and locally grown  
26 produce; and

27 (n) Permits and appeals.

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

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

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

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

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

5 (1) The department shall manage the application and evaluation of  
6 candidates for evergreen community designation ((under—RCW  
7 35.105.030, and forward its recommendations to the department of  
8 community, trade, and economic development)).

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

13 (3) Designation as an evergreen community must include no fewer  
14 than two graduated steps. The department may require additional  
15 graduated steps and establish the minimum requirements for each  
16 recognized step.

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

19 (i) The development and implementation of a tree board or tree  
20 department;

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

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

24 (iv) Official recognition of arbor day; and

25 (v) The completion of or update to an existing urban forest  
26 inventory for the city, county, or tribal land, or the formal  
27 adoption of an inventory developed for the city, county, or tribe by  
28 the department.

29 (b) The second graduated step of designation as an evergreen  
30 community includes the adoption of an urban forestry management plan.  
31 The management plan must:

32 (i) Exceed the minimum standards determined by the department;  
33 and

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

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

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

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

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

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

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

14       (i) Support the development and implementation of (~~evergreen~~  
15 ~~community~~) urban forestry ordinances, as that term is defined in RCW  
16 (~~(35.105.010)~~) 76.15.010, for cities, towns, or counties within their  
17 service areas; or

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

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

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

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

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

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

36       (i) Support the development and implementation of (~~evergreen~~  
37 ~~community~~) urban forestry ordinances, as that term is defined in RCW

1 ((~~35.105.010~~)) 76.15.010, for cities, towns, or counties within their  
2 service areas; or

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

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

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

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

14 (2)(a) Gas companies and electrical companies under this chapter  
15 may request voluntary donations from their customers for the purposes  
16 of urban forestry. The request may be in the form of a check-off on  
17 the billing statement or other form of a request for a voluntary  
18 donation.

19 (b) Voluntary donations collected by gas companies and electrical  
20 companies under this section may be used by the gas companies and  
21 electrical companies to:

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

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

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

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

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

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

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



1 (i) The statement of environmental benefits;

2 (ii) Whether, except as conditioned by RCW 89.08.580, the  
3 applicant is a Puget Sound partner, as defined in RCW 90.71.010, and  
4 except as otherwise provided in RCW 89.08.590, and effective one  
5 calendar year following the development and statewide availability of  
6 (~~model evergreen community~~) urban forestry management plans and  
7 ordinances under RCW (~~(35.105.050)~~) 76.15.090, whether the applicant  
8 is an entity that has been recognized, and what gradation of  
9 recognition was received, in the evergreen community (~~(recognition)~~)  
10 designation program created in RCW (~~(35.105.030)~~) 76.15.090; and

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

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

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

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

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

28 (1) After deduction for management costs as provided in RCW  
29 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys  
30 received by the state from the sale or lease of state-owned aquatic  
31 lands and from the sale of valuable material from state-owned aquatic  
32 lands shall be deposited in the aquatic lands enhancement account  
33 which is hereby created in the state treasury. After appropriation,  
34 these funds shall be used solely for aquatic lands enhancement  
35 projects; for the purchase, improvement, or protection of aquatic  
36 lands for public purposes; for providing and improving access to the  
37 lands; and for volunteer cooperative fish and game projects. During  
38 the 2017-2019 and 2019-2021 fiscal biennia, the aquatic lands  
39 enhancement account may be used to support the shellfish program, the

1 ballast water program, hatcheries, the Puget Sound toxic sampling  
2 program and steelhead mortality research at the department of fish  
3 and wildlife, the knotweed program at the department of agriculture,  
4 actions at the University of Washington for reducing ocean  
5 acidification, which may include the creation of a center on ocean  
6 acidification, the Puget SoundCorps program, and support of the  
7 marine resource advisory council and the Washington coastal marine  
8 advisory council. During the 2017-2019 and 2019-2021 fiscal biennia,  
9 the legislature may transfer from the aquatic lands enhancement  
10 account to the geoduck aquaculture research account for research  
11 related to shellfish aquaculture. During the 2015-2017 fiscal  
12 biennium, the legislature may transfer moneys from the aquatic lands  
13 enhancement account to the marine resources stewardship trust  
14 account.

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

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

19 (b) Utilize the statement of environmental benefits,  
20 consideration, except as provided in RCW 79.105.610, of whether the  
21 applicant is a Puget Sound partner, as defined in RCW 90.71.010,  
22 whether a project is referenced in the action agenda developed by the  
23 Puget Sound partnership under RCW 90.71.310, and except as otherwise  
24 provided in RCW 79.105.630, and effective one calendar year following  
25 the development and statewide availability of (~~model—evergreen~~  
26 ~~community~~) urban forestry management plans and ordinances under RCW  
27 (~~(35.105.050)~~) 76.15.090, whether the applicant is an entity that has  
28 been recognized, and what gradation of recognition was received, in  
29 the evergreen community (~~(recognition)~~) designation program created  
30 in RCW (~~(35.105.030)~~) 76.15.090 in its prioritization and selection  
31 process; and

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

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

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

39 (5) Any project designed to address the restoration of Puget  
40 Sound may be funded under this chapter only if the project is not in

1 conflict with the action agenda developed by the Puget Sound  
2 partnership under RCW 90.71.310.

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

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

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

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

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

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

18 (c) Actions required under federal and state permits and  
19 compliance orders;

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

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

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

27 (g) Except as otherwise provided in RCW 70A.135.120, and  
28 effective one calendar year following the development and statewide  
29 availability of (~~(model—evergreen—community)~~) urban forestry  
30 management plans and ordinances under RCW (~~(35.105.050)~~) 76.15.090,  
31 whether the project is sponsored by an entity that 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;

35 (h) The extent to which the applicant county or city, or if the  
36 applicant is another public body, the extent to which the county or  
37 city in which the applicant public body is located, has established  
38 programs to mitigate nonpoint pollution of the surface or

1 subterranean water sought to be protected by the water pollution  
2 control facility named in the application for state assistance; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (b) If not enough project applications are submitted in a  
38 category within the habitat conservation account to meet the  
39 percentages described in subsections (1) and (2) of this section in

1 any biennium, the board retains discretion to distribute any  
2 remaining funds to the other categories within the account.

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

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

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

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

21 (b) Any lands that have been acquired with grants under this  
22 section by the department of natural resources are subject to  
23 payments in the amounts required under the provisions of RCW  
24 79.70.130 and 79.71.130.

25 (8) Except as otherwise conditioned by RCW 79A.15.140 or  
26 79A.15.150, the board in its evaluating process shall consider the  
27 following in determining distribution priority:

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

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

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

39 (9) After January 1, 2010, any project designed to address the  
40 restoration of Puget Sound may be funded under this chapter only if

1 the project is not in conflict with the action agenda developed by  
2 the Puget Sound partnership under RCW 90.71.310.

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

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

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

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

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

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

26 (a) Support the development and implementation of (~~evergreen~~  
27 ~~community~~) urban forestry ordinances, as that term is defined in RCW  
28 (~~35.105.010~~) 76.15.010, for cities, towns, or counties within their  
29 service areas; or

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

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

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

1 When administering funds under this chapter, the commission shall  
2 give 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. 23.** RCW 79.105.630 and 2008 c 299 s 33 are each amended to  
8 read as follows:

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

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

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

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

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

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

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

35 (3) RCW 35.105.030 (Evergreen community recognition program) and  
36 2008 c 299 s 7;



1           (4) RCW 35.105.040 (Evergreen community grant and competitive  
2 awards program) and 2008 c 299 s 9;  
3           (5) RCW 35.105.050 (Development of model evergreen community  
4 management plans and ordinances) and 2008 c 299 s 10;  
5           (6) RCW 35.105.060 (Report to the legislature) and 2008 c 299 s  
6 11;  
7           (7) RCW 35.105.070 (Model evergreen community management plans—  
8 Elements to consider) and 2008 c 299 s 12;  
9           (8) RCW 35.105.080 (Model evergreen community ordinances—Elements  
10 to consider) and 2008 c 299 s 13;  
11           (9) RCW 35.105.090 (Evergreen community management plans and  
12 ordinances—Local jurisdictions may adopt) and 2008 c 299 s 14;  
13           (10) RCW 35.105.100 (Submission and review of management plans  
14 and evergreen community ordinances) and 2008 c 299 s 16;  
15           (11) RCW 35.105.110 (Evergreen communities partnership task  
16 force) and 2008 c 299 s 17;  
17           (12) RCW 35.105.120 (Limitations of chapter) and 2008 c 299 s 18;  
18           (13) RCW 76.15.070 (Prioritized statewide inventory of community  
19 and urban forests—Community and urban forest assessment—Criteria and  
20 implementation plan) and 2008 c 299 s 4; and  
21           (14) RCW 76.15.080 (Technical advisory committee) and 2008 c 299  
22 s 5.

--- END ---