

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1216

Chapter 209, Laws of 2021

67th Legislature
2021 Regular Session

URBAN AND COMMUNITY FORESTRY—VARIOUS PROVISIONS

EFFECTIVE DATE: July 25, 2021

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

LAURIE JINKINS

**Speaker of the House of
Representatives**

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

DENNY HECK

President of the Senate

Approved May 10, 2021 3:05 PM

JAY INSLEE

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.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2021

**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.

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