

# SENATE BILL REPORT

## SB 5633

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As of January 20, 2022

**Title:** An act relating to planning for the prevention of permanent loss of forests in Washington state.

**Brief Description:** Planning for the prevention of permanent loss of forests in Washington state.

**Sponsors:** Senators Rolfes, Short, Das, Gildon, Hasegawa, Hawkins, Lovelett, Nguyen, Nobles, Randall, Wagoner, Warnick and Stanford; by request of Department of Natural Resources.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/20/22.

**Brief Summary of Bill**

- Directs the Department of Natural Resources to establish a voluntary, incentive-based plan to conserve at least 1 million acres of working forestland and reforest at least 1 million acres by 2040.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

**Background:** The Department of Natural Resources (DNR) manages a number of different categories of land on behalf of Washington, each for a specific purpose and under different management requirements. These categories of land include approximately 3 million acres of federally granted lands and state forestlands, which DNR manages to support common schools, counties, and other public institutions. These lands were granted to the state upon statehood.

In 2017 DNR established the Forest Health Assessment and Treatment Framework (Framework) at the direction of the Legislature. The Framework has three

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

components—assessment, treatment, and progress review and reporting. The purpose of the Framework is to proactively and systematically address forest health issues facing the state. DNR must use the Framework to assess and treat fire-prone lands each biennium, with a goal of assessing and treating 1 million acres of land by 2033.

**Summary of Bill:** DNR must establish a voluntary, incentive-based working and nonworking forest conservation and reforestation plan to conserve at least 1 million acres of working forestland, and reforest at least 1 million acres by 2040. DNR must use the plan to assess and prioritize conservation and reforestation actions each biennium. The plan must use or develop voluntary, incentive-based strategies that address:

- the prevention of actual and potential permanent loss of working and nonworking forestland loss across the state;
- opportunities to implement incentive-based carbon compensation programs for avoided conversion and reforestation;
- the reforestation on forestland impacted by wildfire, pests, disease, landslides, land-use change, and other stressors; and
- tree planting and increased tree canopy coverage in urban areas, prioritizing highly impacted or overburdened communities.

DNR must develop a pilot rapid response fund to test opportunities and barriers to acquire from willing sellers private working forestlands at imminent risk of conversion. Working forests acquired from private willing sellers must be maintained as working forests.

When developing the plan, DNR must conduct the following activities :

- map and prioritize working and nonworking forest areas across the state based on the risk of permanent loss, or critical environmental, economic, cultural, equity, or health benefits;
- evaluate and promote existing opportunities for carbon compensation programs and other incentive-based carbon emissions reducing programs to assist forestland owners interested in voluntarily engaging in carbon markets;
- map and prioritize historically forested areas, including post-wildfire areas and areas where reforestation or afforestation efforts may support environmental restoration, local economic development, or tribal restoration objectives;
- conduct an analysis of the regional reforestation pipeline, including seed collection, nursery capacity, and workforce needs;
- map and prioritize urban and community areas where tree planting may provide environmental, economic, or health benefits particularly to highly impacted or overburdened communities;
- identify tools and incentives to support the goals of the plan including payment for ecological services, technical or financial support to small forestland owners, tax or market incentives, conservation and working forest easements, fee simple land acquisition, or transfer of development rights;
- identify strategies to address underlying economic stressors that contribute to forest conversion including the retention of milling infrastructure, market access, and

- workforce development; and
- provide support to small working forestland owners to achieve the objectives and goals they set for their working forestland.

By December 1, 2022, DNR must submit a report to the Office of Financial Management and the appropriate committees of the Legislature that includes a map and justification of identified priority areas, determines an approach to monitoring that the forested acres are meeting the criteria of success established in the plan, and describes activities to be undertaken consistent with the plan.

By December 1, 2023, DNR must submit the strategic plan for working and nonworking forest conservation and reforestation to the Office of Financial Management and the appropriate committees of the Legislature. Each following biennium, DNR must submit a report to the Legislature that reviews previous activities undertaken consistent with the plan and future activities to be undertaken to reach the goals.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Washington is losing forest land to development and conversion to other uses at an alarming rate. In addition to forest products for housing and other uses, forests provide vital habitat and important ecosystem services including improving air and water quality. The objective of this bill is to conserve 1 million acres of forestland and replant 1 million acres by 2040. To accomplish this goal, there is a need to collect and analyze data and then develop a plan and strategy. To implement this goal will require funding, tools, strategies and infrastructure. Tools may include conservation easements and other strategies to address the threats to conversion. There is also a need to increase the capacity to grow seedlings. This is the first step to keep the Evergreen State green. Tribes are co-managers in managing natural resources and support incentives to prevent the conversion of forest lands. There have been significant loss of forests due to wildfire, and there is a need to improve forest health. We need to plan and adapt to climate change and use sustainable forestry. Salmon recovery is a high priority and loss of forestland is impacting water quality. We need a long term strategy for preserving forest lands and slow the rate of conversion. There needs to be a targeted investment to leverage funds and use all of the tools including easements and transfer of development rights. Forest lands provide significant benefits to rural areas including revenue from forest lands that supports counties, provides environmental benefits and supports jobs. We need to leverage the Growth Management Act as a tool to protect forest lands. There is significant pressure to convert some forest lands for housing in areas that provide both high

conservation and high commercial values. Forest lands are very important for outdoor recreation, and outdoor recreation should be added as one of the benefits that forests provide and included in the section regarding mapping. Forest lands play a significant role in carbon sequestration. It is important that the bill recognizes the role of landowner objectives.

CON: This is not a strong bill and it sidesteps the issue of mature forests. The DNR is harvesting these legacy forests at an alarming rate and the bill should be amended to leave these important forests intact. We should not be replanting to create a mono-forest that lacks habitat and biodiversity. There needs to be a moratorium on all DNR sales. Legacy forests need to be protected and forests should be used to address biodiversity and climate impacts.

OTHER: While the bill has good intentions, it could be stronger to protect older forests and the ecosystem services they provide. The term working and nonworking forest is not a useful phrase and should be changed. There is a narrow focus in the bill on conversion, and it should be broadened to address other opportunities including climate change and carbon. The goal should be to avoid conversion of forestland permanently. Mono-culture forests are not an appropriate response, and wood products are not an appropriate response to carbon sequestration. Legacy forests need to be protected. The bill is uneven and supports the timber industry. Independent science should be used to develop the strategy.

**Persons Testifying:** PRO: Nicholas Norton, Washington Association of Land Trusts; Eric Johnson, Washington State Association of Counties; Thomas O'Keefe, American Whitewater; Jarred Erickson, Confederated Tribes of the Colville Reservation; Jason Callahan, Washington Forest Protection Association; Heath Heikkila, American Forest Resource Council; Rod Fleck, City of Forks; Elaine Oneil, Washington Farm Forestry Association; John Henrikson, John Henrikson; Olgy Diaz, Forterra; Hilary Franz, Department of Natural Resources; Brian Considine, Department of Natural Resources; Tom Bugert, Department of Natural Resources; Ken Miller, Washington Farm Forestry Association; Betsy Robblee, The Mountaineers; Russ Vaagen, Vaagen Timbers; Tom Westergreen, South Pass Tree Farms; Justin Allegro, The Nature Conservancy; Vice Chair Glen Gobin, Tulalip Tribes of WA; Paula Sardinas, WA Build-Back Black Alliance (WBBA); Jeremy Wilbur, Swinomish Indian Tribal Community; David Troutt, Nisqually Indian Tribe; Philip Rigdon, Yakama Nation; Nicky Pasi, Mountains to Sound Greenway Trust.

CON: Mary Jean Ryan; Dakota Rash; Andrew Zahn.

OTHER: "zephyr" elise nordlund, Mason County Climate Justice; Mike Town, Sierra Club; Darcy Nonemacher, Washington Environmental Council; Paula Swedeen, Conservation NW; David Perk, 350 Seattle; Sherri Dysart, League of Women Voters of Washington; Joshua Wright.

**Persons Signed In To Testify But Not Testifying:** No one.