S-4103.1

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**SENATE BILL 6281**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** Senators Van De Wege, Warnick, Dozier, Mullet, and Short

AN ACT Relating to investing in reforestation efforts following landscape-scale forest disturbances; amending RCW 70A.65.270; adding a new section to chapter 76.14 RCW; creating a new section; and making appropriations.

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

NEW SECTION. **Sec.**  (1) Due to the changing climate, catastrophic wildfires are on the increase in the state's forests causing the release of carbon stored in the trees, soils, and other biomass. Climate-informed reforestation is vital to growing more resilient forests that will help address the wildfire crisis, sequester carbon, and enhance biodiversity and ecosystem services.

(2) Congress responded to the national need to address the impacts of catastrophic wildfires when it passed the repairing existing public land by adding necessary trees (REPLANT) act as part of the infrastructure and jobs act of 2021. The REPLANT act seeks to scale up reforestation across national forests over the next five years and begin an historically significant restoration effort on national forestlands.

(3) A similar state-based effort is needed to replant burned forestlands to increase forest health and resilience, mitigate postfire vulnerabilities, and restore the ability of these lands to sequester carbon. The need is easily defined by the thousands of acres of forestlands that have been lost to wildfire during the past decade. Reforesting in the right place, at the right time, with the right species, and at appropriate scales can change the current trajectory. Reforestation of the state's burned forestlands is in the best interest of the state and consistent with Washington's efforts to combat climate change.

(4) The legislature recognizes the importance of providing additional funding for the postreforestation of public and private forestland owners to expedite the replanting of burned forestlands and to restore the ability of these lands to sequester carbon.

NEW SECTION. **Sec.**  A new section is added to chapter 76.14 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a reforestation grant program designed to incentivize and invest in climate-informed reforestation after large forest stand replacement events such as wildfire, landslides, volcanic eruptions, tsunamis, earthquakes, and other natural catastrophic events that damage the ecoservices of natural or managed forests.

(2) The department must establish criteria for the grant program, which must include:

(a) A cost-share percentage with the grant recipient not to exceed 25 percent of the grant award, including any in-kind contributions;

(b) Minimum and maximum potential grant awards;

(c) Applicant eligibility criteria that must include tribal ownerships, nonprofit landowners and managers, industrial and nonindustrial private forestland owners, local governments, and other state agencies and must exclude public lands owned by the federal government or, to avoid a conflict of interest, lands managed directly by the department. Applicants are not restricted regarding whether they direct funds in their proposal to a program of the department to execute their reforestation program of work, such as either conservation corps capacity or purchase of seedling supply, or both;

(d) The prioritization of funds for direct reforestation efforts and may be utilized to support aspects of the reforestation pipeline to ensure sustainability of the program;

(e) Priority scoring for reforestation investments on private forestland whose owners or managers are not required, by regulation or other mechanism, to replant after a catastrophic event;

(f) Specific considerations for grant applicants proposing to include, as part of the project, the reforestation of riparian buffers, potentially unstable slopes, or other areas where harvest is restricted due to state regulations that were affected by the underlying catastrophic event; and

(g) Consideration of any relevant environmental justice assessments under RCW 70A.02.060.

(3) The department must limit the overall size of the program required under this section to the level of appropriations provided specifically for this purpose.

**Sec.**  RCW 70A.65.270 and 2021 c 316 s 30 are each amended to read as follows:

(1) The natural climate solutions account is created in the state treasury. All moneys directed to the account from the climate investment account created in RCW 70A.65.250 must be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account are intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity. Moneys in the account must be spent in a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts. Funding under this subsection (2)(a) must be used to:

(i) Restore and protect estuaries, fisheries, and marine shoreline habitats and prepare for sea level rise including, but not limited to, making fish passage correction investments such as those identified in the cost-share barrier removal program for small forestland owners created in RCW 76.13.150 and those that are considered by the fish passage barrier removal board created in RCW 77.95.160;

(ii) Increase carbon storage in the ocean or aquatic and coastal ecosystems;

(iii) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(iv) Reduce flood risk and restore natural floodplain ecological function;

(v) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling;

(vi) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference given to projects that use green stormwater infrastructure;

(vii) Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands; or

(viii) Either preserve or establish, or both, carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas sufficient to promote climate resilience, protect cold water fisheries, and achieve water quality standards;

(b) Healthy forest investments to improve resilience from climate impacts. Funding under this subsection (2)(b) must be used for projects and activities that will:

(i) Increase forest and community resilience to wildfire in the face of increased seasonal temperatures and drought;

(ii) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change; ((~~or~~))

(iii) Incentivize and invest in climate-informed reforestation of lands affected by catastrophic natural disturbances such as funding the reforestation grant program created in section 2 of this act and funding reforestation efforts by the department of natural resources following wildfires; or

(iv) Prevent emissions by preserving natural and working lands from the threat of conversion to development or loss of critical habitat, through actions that include, but are not limited to, the creation of new conservation lands, community forests, or increased support to small forestland owners through assistance programs including, but not limited to, the forest riparian easement program and the family forest fish passage program. It is the intent of the legislature that not less than $10,000,000 be expended each biennium for the forestry riparian easement program created in chapter 76.13 RCW or for riparian easement projects funded under the agricultural conservation easements program established under RCW 89.08.530, or similar riparian enhancement programs.

(3) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

NEW SECTION. **Sec.**  The sum of $10,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2024, from the natural climate solutions account created in RCW 70A.65.270 to the department of natural resources for the purposes of the reforestation grant program created in section 2 of this act.

NEW SECTION. **Sec.**  (1) The legislature recognizes the ongoing need for the department of natural resources to respond to the impacts of wildfire on forestlands managed by the department.

(2) The sum of $10,000,000, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2025, from the natural climate solutions account created in RCW 70A.65.270 to the department of natural resources for postfire reforestation of the forestlands managed by the department. The department of natural resources must prioritize expenditures for the benefit of state trust lands.

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