

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 07-0313.01 Thomas Morris

HOUSE BILL 07-1130

HOUSE SPONSORSHIP

Gibbs, Witwer, Casso, Curry, King, Levy, McFadyen, McNulty, Roberts, Rose, and White

SENATE SPONSORSHIP

Fitz-Gerald, Isgar, Penry, and Taylor

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PILOT PROGRAM TO DEMONSTRATE**
102 **COMMUNITY-BASED APPROACHES TO FOREST RESTORATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Directs the Colorado state forest service to issue a request for proposals for cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative community process. Limits the state share of an individual project cost to 60% of the total cost of the project, not to exceed \$1 million per project. Allows the remaining portion of the cost to be cash or in-kind services. Authorizes up to \$1 million per year for each of the next 5 years for grants from the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

operational account of the severance tax trust fund.

Requires projects to be located in an area with an approved community wildfire protection plan as defined by the federal "Healthy Forests Restoration Act of 2003". Defines project objectives.

Creates a technical advisory panel, designated by the executive director of the department of natural resources, to evaluate grant applications and provide recommendations regarding which proposals would best meet the pilot project's objectives. Requires the executive director to submit a report on the pilot program to the governor by July 1, 2011. Repeals the pilot program on July 1, 2012, and subjects the program to sunset review.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 3 of article 30 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-30-311. Forest restoration - pilot program - definitions -**
6 **technical advisory panel - repeal.** (1) **Short title.** THIS SECTION SHALL
7 BE KNOWN AND MAY BE CITED AS THE "COLORADO FOREST RESTORATION
8 ACT".

9 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
10 OTHERWISE REQUIRES:

11 (a) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION 24-1-124,
13 C.R.S.

14 (b) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
15 SERVICE IDENTIFIED IN SECTION 23-30-302 AND THE DIVISION OF
16 FORESTRY CREATED IN SECTION 24-33-104, C.R.S.

17 (c) "STAKEHOLDER" MEANS COUNTY AND MUNICIPAL
18 GOVERNMENTS, EDUCATIONAL INSTITUTIONS, LANDOWNERS, AND OTHER
19 INTERESTED PUBLIC AND PRIVATE ENTITIES.

1 (3) **Forest restoration pilot program.** THE FOREST SERVICE
2 SHALL ISSUE A STATEWIDE REQUEST FOR PROPOSALS FOR COST-SHARE
3 GRANTS TO STAKEHOLDERS FOR EXPERIMENTAL FOREST RESTORATION
4 PROJECTS THAT ARE DESIGNED THROUGH A COLLABORATIVE COMMUNITY
5 PROCESS. THE PROJECTS MAY BE ENTIRELY ON, OR ON ANY COMBINATION
6 OF, PRIVATE, FEDERAL, STATE, COUNTY, OR MUNICIPAL FOREST LANDS.
7 THE STATE SHARE OF AN INDIVIDUAL PROJECT COST SHALL NOT EXCEED
8 SIXTY PERCENT OF THE TOTAL COST OF THE PROJECT OR EXCEED ONE
9 MILLION DOLLARS PER PROJECT. THE REMAINING PORTION OF THE
10 PROJECT'S FUNDING MAY BE IN THE FORM OF CASH, STUMPAGE, OR IN-KIND
11 CONTRIBUTION.

12 (4) **Eligibility requirements.** TO BE ELIGIBLE TO RECEIVE
13 FUNDING UNDER THIS SECTION, A PROJECT SHALL:

14 (a) BE LOCATED IN AN AREA WITH AN APPROVED COMMUNITY
15 WILDFIRE PROTECTION PLAN AS DEFINED BY THE FEDERAL "HEALTHY
16 FORESTS RESTORATION ACT OF 2003", PUB.L. 108-148;

17 (b) ADDRESS ONE OR MORE OF THE FOLLOWING OBJECTIVES:

18 (I) REDUCING THE THREAT OF LARGE, HIGH-INTENSITY WILDFIRES
19 AND THE NEGATIVE EFFECTS OF EXCESSIVE COMPETITION BETWEEN TREES
20 BY RESTORING ECOSYSTEM FUNCTIONS, STRUCTURES, AND SPECIES
21 COMPOSITION, INCLUDING THE REDUCTION OF NONNATIVE SPECIES
22 POPULATIONS;

23 (II) PRESERVING OLD AND LARGE TREES TO THE EXTENT
24 CONSISTENT WITH ECOLOGICAL VALUES AND SCIENCE;

25 (III) REPLANTING TREES IN DEFORESTED AREAS IF SUCH AREAS
26 EXIST IN THE PROPOSED PROJECT AREA; AND

27 (IV) IMPROVING THE USE OF, OR ADD VALUE TO, SMALL DIAMETER

- 1 TREES;
- 2 (c) COMPLY WITH ALL APPLICABLE FEDERAL AND STATE
3 ENVIRONMENTAL LAWS;
- 4 (d) INCLUDE A DIVERSE AND BALANCED GROUP OF STAKEHOLDERS
5 AS WELL AS APPROPRIATE FEDERAL, STATE, COUNTY, AND MUNICIPAL
6 GOVERNMENT REPRESENTATIVES IN THE DESIGN, IMPLEMENTATION, AND
7 MONITORING OF THE PROJECT;
- 8 (e) INCORPORATE CURRENT SCIENTIFIC FOREST RESTORATION
9 INFORMATION;
- 10 (f) INCLUDE AN ASSESSMENT TO:
- 11 (I) IDENTIFY BOTH THE EXISTING ECOLOGICAL CONDITION OF THE
12 PROPOSED PROJECT AREA AND THE DESIRED FUTURE CONDITION; AND
- 13 (II) REPORT, UPON PROJECT COMPLETION, TO THE FOREST SERVICE
14 ON THE POSITIVE OR NEGATIVE IMPACT AND INCLUDING COST
15 EFFECTIVENESS OF THE PROJECT; AND
- 16 (g) LEVERAGE STATE FUNDING THROUGH IN-KIND, STUMPAGE, OR
17 CASH MATCHING CONTRIBUTIONS.

18 (5) **Technical advisory panel.** THE DIRECTOR SHALL CONVENE
19 A TECHNICAL ADVISORY PANEL TO EVALUATE THE PROPOSALS FOR FOREST
20 RESTORATION DEMONSTRATION GRANTS AND PROVIDE
21 RECOMMENDATIONS REGARDING WHICH PROPOSALS WOULD BEST MEET
22 THE OBJECTIVES OF THIS SECTION. THE PANEL SHALL CONSIDER
23 ELIGIBILITY CRITERIA ESTABLISHED IN SUBSECTION (4) OF THIS SECTION,
24 A PROJECT'S EFFECT ON LONG-TERM FOREST MANAGEMENT NUMBER OF
25 ACRES TREATED FOR STATE DOLLARS SPENT, AND SEEK TO USE A
26 CONSENSUS-BASED DECISION-MAKING PROCESS TO DEVELOP SUCH
27 RECOMMENDATIONS. THE PANEL SHALL BE COMPOSED OF SEVEN TO

1 ELEVEN MEMBERS, TO BE APPOINTED BY THE DIRECTOR AS FOLLOWS:

2 (a) AN OFFICIAL TO REPRESENT THE DEPARTMENT OF NATURAL
3 RESOURCES;

4 (b) AT LEAST ONE REPRESENTATIVE FROM FEDERAL LAND
5 MANAGEMENT AGENCIES;

6 (c) AT LEAST TWO INDEPENDENT SCIENTISTS WITH EXPERIENCE IN
7 FOREST ECOSYSTEM RESTORATION; AND

8 (d) EQUAL REPRESENTATION FROM:

9 (I) CONSERVATION INTERESTS;

10 (II) LOCAL COMMUNITIES; AND

11 (III) COMMODITY INTERESTS.

12 (6) **Proposal selection.** AFTER CONSULTING WITH THE TECHNICAL
13 ADVISORY PANEL ESTABLISHED IN SUBSECTION (5) OF THIS SECTION, THE
14 FOREST SERVICE SHALL SELECT THE PROPOSALS THAT WILL RECEIVE
15 FUNDING THROUGH THIS SECTION.

16 (7) **Report.** NO LATER THAN JULY 1, 2008, THE DIRECTOR SHALL
17 SUBMIT A REPORT TO THE GOVERNOR, WHICH SHALL INCLUDE AN
18 ASSESSMENT OF WHETHER, AND TO WHAT EXTENT, PROJECTS AUTHORIZED
19 PURSUANT TO THIS SECTION HAVE ACHIEVED THE PURPOSES IDENTIFIED IN
20 THIS SECTION.

21

22 (8) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2008.
23 PRIOR TO SUCH REPEAL, THE TECHNICAL ADVISORY PANEL SHALL BE
24 REVIEWED AS PROVIDED FOR IN SECTION 2-3-1203, C.R.S.

25 **SECTION 2.** 2-3-1203 (3) (u), Colorado Revised Statutes, is
26 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

27 **2-3-1203. Sunset review of advisory committees.** (3) The

1 following dates are the dates for which the statutory authorization for the
2 designated advisory committees is scheduled for repeal:

3 (u) July 1, 2008:

4 (IV) THE TECHNICAL ADVISORY PANEL CREATED IN SECTION
5 23-30-311, C.R.S.

6

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.