

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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

Local Government

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.

SENATE
Amended 2nd Reading
April 26, 2007

HOUSE
3rd Reading Unamended
April 10, 2007

HOUSE
Amended 2nd Reading
April 9, 2007

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) "ACCREDITED COLORADO YOUTH CORPS" MEANS A YOUTH
12 CORPS ORGANIZATION THAT IS ACCREDITED BY THE COLORADO YOUTH
13 CORPS ASSOCIATION.

14 (b) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
15 DEPARTMENT OF NATURAL RESOURCES CREATED IN SECTION 24-1-124,
16 C.R.S.

17 (c) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
18 SERVICE IDENTIFIED IN SECTION 23-30-302 AND THE DIVISION OF
19 FORESTRY CREATED IN SECTION 24-33-104, C.R.S.

1 (d) "STAKEHOLDER" MEANS COUNTY AND MUNICIPAL
2 GOVERNMENTS, EDUCATIONAL INSTITUTIONS, LANDOWNERS, AND OTHER
3 INTERESTED PUBLIC AND PRIVATE ENTITIES.

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

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

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

20 (b) ADDRESS ONE OR MORE OF THE FOLLOWING OBJECTIVES FOR
21 THE PURPOSE OF PROTECTING WATER SUPPLIES:

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

27 (II) PRESERVING OLD AND LARGE TREES TO THE EXTENT

1 CONSISTENT WITH ECOLOGICAL VALUES AND SCIENCE;

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

4 (IV) IMPROVING THE USE OF, OR ADD VALUE TO, SMALL DIAMETER
5 TREES;

6 (c) COMPLY WITH ALL APPLICABLE FEDERAL AND STATE
7 ENVIRONMENTAL LAWS;

8 (d) INCLUDE A DIVERSE AND BALANCED GROUP OF STAKEHOLDERS
9 AS WELL AS APPROPRIATE FEDERAL, STATE, COUNTY, AND MUNICIPAL
10 GOVERNMENT REPRESENTATIVES IN THE DESIGN, IMPLEMENTATION, AND
11 MONITORING OF THE PROJECT;

12 (e) INCORPORATE CURRENT SCIENTIFIC FOREST RESTORATION
13 INFORMATION;

14 (f) INCLUDE AN ASSESSMENT TO:

15 (I) IDENTIFY BOTH THE EXISTING ECOLOGICAL CONDITION OF THE
16 PROPOSED PROJECT AREA AND THE DESIRED FUTURE CONDITION; AND

17 (II) REPORT, UPON PROJECT COMPLETION, TO THE FOREST SERVICE
18 ON THE POSITIVE OR NEGATIVE IMPACT AND INCLUDING COST
19 EFFECTIVENESS OF THE PROJECT; AND

20 (g) LEVERAGE STATE FUNDING THROUGH IN-KIND, STUMPAGE, OR
21 CASH MATCHING CONTRIBUTIONS.

22 (5) **Technical advisory panel.** THE DIRECTOR SHALL CONVENE
23 A TECHNICAL ADVISORY PANEL TO EVALUATE THE PROPOSALS FOR FOREST
24 RESTORATION DEMONSTRATION GRANTS AND PROVIDE
25 RECOMMENDATIONS REGARDING WHICH PROPOSALS WOULD BEST MEET
26 THE OBJECTIVES OF THIS SECTION. THE PANEL SHALL CONSIDER
27 ELIGIBILITY CRITERIA ESTABLISHED IN SUBSECTION (4) OF THIS SECTION,

1 A PROJECT'S EFFECT ON LONG-TERM FOREST MANAGEMENT NUMBER OF
2 ACRES TREATED FOR STATE DOLLARS SPENT, AND SEEK TO USE A
3 CONSENSUS-BASED DECISION-MAKING PROCESS TO DEVELOP SUCH
4 RECOMMENDATIONS. THE PANEL SHALL BE COMPOSED OF SEVEN TO
5 ELEVEN MEMBERS, TO BE APPOINTED BY THE DIRECTOR AS FOLLOWS:

6 (a) AN OFFICIAL TO REPRESENT THE DEPARTMENT OF NATURAL
7 RESOURCES;

8 (b) AT LEAST ONE REPRESENTATIVE FROM FEDERAL LAND
9 MANAGEMENT AGENCIES;

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

12 (d) EQUAL REPRESENTATION FROM:

13 (I) CONSERVATION INTERESTS;

14 (II) LOCAL COMMUNITIES; AND

15 (III) COMMODITY INTERESTS.

16 (6) **Proposal selection.** AFTER CONSULTING WITH THE TECHNICAL
17 ADVISORY PANEL ESTABLISHED IN SUBSECTION (5) OF THIS SECTION, THE
18 FOREST SERVICE SHALL SELECT THE PROPOSALS THAT WILL RECEIVE
19 FUNDING THROUGH THIS SECTION. IN CARRYING OUT THE PILOT PROGRAM
20 AND APPROVED PROJECTS TO PROVIDE FOREST RESTORATION ACTIVITIES,
21 THE FOREST SERVICE AND STAKEHOLDERS SHALL, WHENEVER FEASIBLE,
22 CONTRACT WITH THE COLORADO YOUTH CORPS ASSOCIATION OR AN
23 ACCREDITED COLORADO YOUTH CORPS TO PROVIDE LABOR.

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

1 THIS SECTION.

2 (8) Administrative costs. THE FOREST SERVICE MAY UTILIZE NO
3 MORE THAN THREE PERCENT OF ANY AMOUNTS APPROPRIATED IN ANY
4 FISCAL YEAR FOR ITS DIRECT AND INDIRECT COSTS IN ADMINISTERING THE
5 PILOT PROGRAM.

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

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

11 **2-3-1203. Sunset review of advisory committees.** (3) The
12 following dates are the dates for which the statutory authorization for the
13 designated advisory committees is scheduled for repeal:

14 (u) July 1, 2008:

15 (IV) THE TECHNICAL ADVISORY PANEL CREATED IN SECTION
16 23-30-311, C.R.S.

17 [REDACTED]

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