

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

REVISED

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

LLS NO. 13-0866.02 Jennifer Berman x3286

SENATE BILL 13-269

SENATE SPONSORSHIP

Nicholson and Roberts, Schwartz, Aguilar, Baumgardner, Carroll, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Jones, Kefalas, Kerr, King, Morse, Newell, Steadman, Tochtrop, Todd, Ulibarri

HOUSE SPONSORSHIP

Coram and McLachlan, Fischer

Senate Committees

Agriculture, Natural Resources, & Energy
Appropriations

House Committees

Agriculture, Livestock, & Natural Resources
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A GRANT PROGRAM TO ASSIST WITH**
102 **EFFORTS TO REDUCE THE RISK OF CATASTROPHIC WILDFIRES TO**
103 **FORESTED LANDS IN COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the wildfire risk reduction grant program (grant program) in the department of natural resources (department). The purpose of the grant program is to provide funding opportunities for projects implementing hazardous forest fuel reduction treatments to

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.

HOUSE
2nd Reading Unamended
May 3, 2013

SENATE
3rd Reading Unamended
April 29, 2013

SENATE
Amended 2nd Reading
April 26, 2013

1 TO AIR POLLUTION, AND DAMAGED SEVERAL WATERSHEDS. THE HAYMAN
2 FIRE COST COLORADO THIRTY-NINE MILLION ONE HUNDRED THOUSAND
3 DOLLARS.

4 (b) ADDITIONALLY, IN 2010, THE FOUR MILE CANYON WILDFIRE
5 DESTROYED ONE HUNDRED SIXTY-NINE HOMES, BURNED SIX THOUSAND
6 THREE HUNDRED EIGHTY-EIGHT ACRES, AND COST TEN MILLION DOLLARS
7 IN FIREFIGHTING EFFORTS;

8 (c) IN 2011, THERE WERE FOUR THOUSAND THREE HUNDRED
9 TWENTY WILDFIRES REPORTED IN COLORADO; AND

10 (d) IN 2012, MORE THAN FIVE THOUSAND WILDFIRES OCCURRED IN
11 COLORADO, INCLUDING THE HIGH PARK WILDFIRE, THE LOWER NORTH
12 FORK WILDFIRE, AND THE WALDO CANYON WILDFIRE. SIX PERSONS LOST
13 THEIR LIVES IN WILDFIRES THAT YEAR. ADDITIONALLY, THE WILDFIRES
14 DESTROYED MORE THAN SIX HUNDRED FORTY-EIGHT STRUCTURES,
15 BURNED MORE THAN THREE HUNDRED EIGHTY-FOUR THOUSAND EIGHT
16 HUNDRED THREE ACRES, CAUSED AT LEAST FIVE HUNDRED THIRTY-EIGHT
17 MILLION DOLLARS IN PROPERTY LOSS, AND COST COLORADO MORE THAN
18 FORTY-EIGHT MILLION DOLLARS IN FIREFIGHTING EFFORTS.

19 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

20 (a) IN THE PAST THIRTY YEARS, THE COLORADO TIMBER INDUSTRY
21 HAS DECLINED, THUS RESULTING IN LESS WOOD BEING REMOVED FROM
22 OUR FORESTS AND LEAVING MORE WOOD MATERIAL TO FUEL DAMAGING
23 WILDFIRES. THE NUMBER OF SAWMILLS IN COLORADO HAS DECLINED FROM
24 EIGHTY-FOUR IN 1982 TO THIRTY-ONE IN 2007.

25 (b) THE EXISTENCE OF POOR FOREST HEALTH CONDITIONS,
26 COMBINED WITH OUR CURRENT DROUGHT CONDITIONS, INDICATE THE
27 POTENTIAL FOR MORE CATASTROPHIC WILDFIRES IN THE FUTURE;

1 (c) DAMAGING WILDFIRES OCCUR REGULARLY IN COLORADO DUE
2 IN PART TO INADEQUATE EFFORTS TO ACHIEVE APPROPRIATE DENSITIES IN
3 OUR FORESTS. INCREASING OUR EFFORTS TO THIN THE FORESTS IN
4 COLORADO WOULD KEEP OUR FORESTS HEALTHY AND HELP REDUCE RISKS
5 ASSOCIATED WITH CATASTROPHIC WILDFIRES THAT ENDANGER LIVES,
6 PROPERTY, WATERSHEDS, AND TRANSMISSION LINES.

7 (d) THE EXISTENCE OF FIRE-DEPENDENT ECOSYSTEMS IN
8 COLORADO NECESSITATES THAT COMMUNITIES IN AREAS OF THE
9 WILDLAND-URBAN INTERFACE BE FIRE ADAPTED.

10 (3) (a) THE GENERAL ASSEMBLY FURTHER FINDS, DECLARES, AND
11 DETERMINES THAT IT IS CRITICAL THAT WE INVEST IN MEASURES THAT
12 REDUCE THE PROBABILITY OF CATASTROPHIC FIRES SPREADING
13 UNCONTROLLABLY INTO OUR COMMUNITIES IN AREAS OF THE
14 WILDLAND-URBAN INTERFACE.

15 (b) IT IS THE GENERAL ASSEMBLY'S INTENT TO PROVIDE AID AND
16 GUIDANCE FOR CATASTROPHIC WILDFIRE RISK MITIGATION BY
17 AUTHORIZING A COMPETITIVE GRANT PROGRAM TO ASSIST WITH FUNDING
18 COMMUNITY-LEVEL AND STATEWIDE ACTIONS IMPLEMENTED TO PROTECT
19 POPULATIONS AND PROPERTY IN THE WILDLAND-URBAN INTERFACE AND
20 TO PROMOTE FOREST HEALTH AND THE UTILIZATION OF WOODY MATERIAL
21 INCLUDING TRADITIONAL FOREST PRODUCTS AND BIOMASS ENERGY.

22 **36-7-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL
25 RESOURCES.

26 (2) "FUEL" MEANS LIVING AND DEAD COMBUSTIBLE VEGETATION
27 THAT CAN FEED A FIRE, INCLUDING GRASS, LEAVES, PINE BOUGHS, SHRUBS,

1 AND TREES.

2 (3) "HAZARDOUS FOREST FUEL REDUCTION TREATMENT" MEANS
3 TREATMENTS INCLUDING MANIPULATION OR REMOVAL OF FUEL TO HELP
4 DIMINISH:

5 (a) THE POTENTIAL DAMAGE ARISING FROM A CATASTROPHIC
6 WILDFIRE; AND

7 (b) EMERGENCY PERSONNEL'S ABILITY TO INFLUENCE THE SPREAD
8 OF WILDFIRE.

9 (4) "WILDLAND-URBAN INTERFACE" OR "WUI" MEANS AN AREA
10 WHERE:

11 (a) HUMAN DEVELOPMENT IS CLOSE TO FORESTED PUBLIC LAND;
12 AND

13 (b) THERE EXISTS A HIGH POTENTIAL FOR A WILDLAND FIRE.

14 **36-7-403. Wildfire risk reduction grant program - creation -**
15 **eligibility - department powers and duties - rules.** (1) THERE IS
16 HEREBY CREATED IN THE DEPARTMENT THE WILDFIRE RISK REDUCTION
17 GRANT PROGRAM. THE PURPOSE OF THE PROGRAM IS TO PROVIDE FUNDING
18 OPPORTUNITIES FOR PROJECTS IMPLEMENTING HAZARDOUS FOREST FUEL
19 REDUCTION TREATMENTS TO REDUCE THE RISKS ASSOCIATED WITH
20 WILDFIRES IN THE WUI THROUGHOUT COLORADO.

21 (2) THE DEPARTMENT SHALL DEVELOP AND ADMINISTER THE
22 PROGRAM IN CONSULTATION WITH AN ADVISORY COMMITTEE CREATED IN
23 SECTION 36-7-404. IN DEVELOPING THE PROGRAM, THE DEPARTMENT
24 SHALL:

25 (a) DEDICATE UP TO TWENTY-FIVE PERCENT OF THE GRANT FUNDS
26 AVAILABLE IN THE WILDFIRE RISK REDUCTION FUND, CREATED IN SECTION
27 36-7-405, TO FUND CAPACITY-BUILDING EFFORTS TO PROVIDE LOCAL

1 GOVERNMENTS, COMMUNITY GROUPS, AND COLLABORATIVE FORESTRY
2 GROUPS WITH THE RESOURCES NECESSARY TO PROVIDE SITE-BASED
3 HAZARDOUS FOREST FUEL REDUCTION TREATMENTS, INCLUDING
4 NEIGHBORHOOD SLASH PILES AND COMMUNITY EQUIPMENT FOR USE BY
5 LANDOWNERS;

6 (b) DEDICATE UP TO FIVE PERCENT OF THE GRANT FUNDS
7 AVAILABLE IN THE WILDFIRE RISK REDUCTION FUND TO BE USED BY THE
8 DEPARTMENT TO:

9 (I) MONITOR GRANT RECIPIENTS' COMPLIANCE WITH THE GRANT
10 PROGRAM; AND

11 (II) MEASURE THE GRANT PROGRAM'S EFFECTIVENESS;

12 (c) REQUIRE A GRANT APPLICANT TO DEMONSTRATE THAT:

13 (I) THE GRANT APPLICANT HAS AVAILABLE, OR WILL HAVE
14 AVAILABLE BEFORE IMPLEMENTATION OF THE PROJECT, MATCHING FUNDS
15 IN THE FORM OF A DOLLAR-FOR-DOLLAR MATCH OR THE VALUE OF IN-KIND
16 CONTRIBUTIONS FOR THE PROJECT. A PROJECT'S MATCHING FUNDS MAY
17 COME FROM FEDERAL SOURCES OR STATE SOURCES, BUT NO MORE THAN
18 FIFTY PERCENT OF THE MATCHING FUNDS MAY COME FROM STATE
19 SOURCES; EXCEPT THAT, IF THE GRANT APPLICANT IS A STATE AGENCY,
20 MORE THAN FIFTY PERCENT OF THE MATCHING FUNDS MAY COME FROM
21 OTHER STATE SOURCES.

22 (II) THE PROPOSED PROJECT INCLUDES A PLAN FOR UTILIZING ANY
23 WOODY MATERIAL GENERATED BY THE PROJECT, INCLUDING TRADITIONAL
24 FOREST PRODUCTS AND BIOMASS ENERGY PRODUCTS. PURSUANT TO ITS
25 AUTHORITY CREATED IN SECTION 23-31-315, C.R.S., THE COLORADO
26 STATE FOREST SERVICE SHALL, UPON REQUEST, OFFER TECHNICAL SUPPORT
27 TO GRANT APPLICANTS TO ASSIST WITH THE DEVELOPMENT OF THE

1 APPLICANT'S PLAN FOR UTILIZING FOREST PRODUCTS. THE DEPARTMENT
2 SHALL INFORM APPLICANTS OF THE AVAILABILITY OF THE COLORADO
3 STATE FOREST SERVICE'S TECHNICAL SUPPORT.

4 (d) ENCOURAGE A GRANT APPLICANT, WHERE FEASIBLE, TO:

5 (I) UTILIZE THE LABOR OF:

6 (A) YOUTH AND YOUNG ADULTS PARTICIPATING IN A COLORADO
7 YOUTH CORPS ORGANIZATION ACCREDITED BY THE COLORADO YOUTH
8 CORPS ASSOCIATION; OR

9 (B) THE VETERANS GREEN CORPS OPERATED BY THE COLORADO
10 YOUTH CORPS ASSOCIATION; AND

11 (II) IDENTIFY WHETHER THE PROPOSED PROJECT WILL TAKE PLACE
12 ON STATE OR PRIVATE LANDS ADJACENT TO UNITED STATES FOREST
13 SERVICE PROJECTS IN THE WUI, USING PROJECT MAPS THAT THE
14 DEPARTMENT ANTICIPATES WILL BE PROVIDED BY THE UNITED STATES
15 FOREST SERVICE. ONCE THE DEPARTMENT RECEIVES THE MAPS FROM THE
16 UNITED STATES FOREST SERVICE, IT SHALL MAKE THE MAPS AVAILABLE TO
17 GRANT APPLICANTS. WHEN APPROPRIATE, APPLICANTS MAY APPLY THE
18 PRINCIPLES OF GOOD NEIGHBOR AUTHORITY, AS DEFINED IN SECTION
19 23-31-313 (3) (e), C.R.S., TO ADDRESS CROSS-BOUNDARY TREATMENT
20 NEEDS ON UNITED STATES FOREST SERVICE LANDS.

21 (e) IN CONSULTATION WITH THE ADVISORY COMMITTEE CREATED
22 IN SECTION 36-7-404, ESTABLISH THE INFORMATION TO BE INCLUDED IN
23 THE GRANT APPLICATION, INCLUDING A DESCRIPTION OF THE PROPOSED
24 PROJECT; AND

25 (f) ESTABLISH A PLAN FOR ADMINISTERING THE GRANT PROGRAM,
26 INCLUDING THE DEVELOPMENT OF:

27 (I) PERIODIC REPORTING REQUIREMENTS;

1 (II) TOOLS FOR MONITORING AND TRACKING GRANT PROJECTS; AND

2 (III) MEASURES FOR ASSESSING THE PROGRESS OF GRANT
3 PROJECTS.

4 (3) ANNUALLY AND IN A FINAL REPORT TO BE PRESENTED BEFORE
5 THE END OF THE REGULAR SESSION IN 2018, THE DEPARTMENT SHALL
6 REPORT TO THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES
7 COMMITTEE IN THE COLORADO HOUSE OF REPRESENTATIVES AND THE
8 AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE IN THE
9 COLORADO SENATE, OR THEIR SUCCESSOR COMMITTEES, REGARDING THE
10 PROGRESS OF THE GRANT PROGRAM, INCLUDING INFORMATION
11 CONCERNING THE:

- 12 (a) NUMBER OF ACRES TREATED;
- 13 (b) COST PER ACRE TO TREAT;
- 14 (c) TONNAGE OF MATERIAL GENERATED;
- 15 (d) NUMBER OF JOBS CREATED; AND
- 16 (e) USE OF ANY FOREST PRODUCTS GENERATED.

17 **36-7-404. Wildfire risk reduction grant program advisory**
18 **committee - creation - appointment - duties.** (1) (a) THERE IS HEREBY
19 CREATED A WILDFIRE RISK REDUCTION GRANT PROGRAM ADVISORY
20 COMMITTEE CONSISTING OF EIGHT MEMBERS. THE EXECUTIVE DIRECTOR
21 OF THE DEPARTMENT SHALL APPOINT THE MEMBERS OF THE ADVISORY
22 COMMITTEE AS FOLLOWS:

23 (I) AT LEAST ONE MEMBER WHO REPRESENTS A RESEARCH
24 UNIVERSITY IN COLORADO;

25 (II) AT LEAST ONE MEMBER FROM EACH OF THE FOLLOWING STATE
26 AGENCIES:

27 (A) THE DEPARTMENT, AS DESIGNATED BY THE EXECUTIVE

1 DIRECTOR OF THE DEPARTMENT;

2 (B) THE DEPARTMENT OF PUBLIC SAFETY, AS DESIGNATED BY THE
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY; AND

4 (C) THE COLORADO STATE FOREST SERVICE, AS DESIGNATED BY
5 THE STATE FORESTER;

6 (III) AT LEAST ONE MEMBER WHO REPRESENTS A COUNTY OR
7 MUNICIPAL GOVERNMENT WITH JURISDICTION OVER AN AREA OF THE WUI;

8 (IV) AT LEAST ONE MEMBER WHO REPRESENTS A FEDERAL LAND
9 MANAGER;

10 (V) AT LEAST ONE MEMBER WHO REPRESENTS THE TRADITIONAL
11 FOREST PRODUCTS INDUSTRY;

12 (VI) AT LEAST ONE MEMBER WHO REPRESENTS THE BIOMASS
13 ENERGY PRODUCTS INDUSTRY;

14 (VII) AT LEAST ONE MEMBER WHO REPRESENTS A NONPROFIT
15 COLLABORATIVE GROUP INVOLVED WITH THE MITIGATION OF
16 CATASTROPHIC WILDFIRES IN COLORADO; AND

17 (VIII) AT LEAST ONE MEMBER WITH EXPERTISE IN WATER AND
18 WATERSHED MANAGEMENT.

19 (b) A MEMBER OF THE ADVISORY COMMITTEE MAY REPRESENT
20 MORE THAN ONE OF THE GROUPS SET FORTH IN PARAGRAPH (a) OF THIS
21 SUBSECTION (1).

22 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL SELECT
23 AS ADVISORY COMMITTEE MEMBERS PERSONS WHO ARE INVOLVED IN OR
24 CONCERNED WITH THE MITIGATION OF CATASTROPHIC WILDFIRES IN
25 COLORADO. AN ADVISORY COMMITTEE MEMBER SHALL RECUSE HIMSELF
26 OR HERSELF IF HE OR SHE HAS AN ACTUAL OR POTENTIAL CONFLICT OF
27 INTEREST WITH RESPECT TO A GRANT APPLICANT.

1 (3) (a) IN CONSULTATION WITH THE DEPARTMENT, THE ADVISORY
2 COMMITTEE SHALL DETERMINE ELIGIBILITY CRITERIA FOR GRANT
3 RECIPIENTS. ELIGIBLE GRANT RECIPIENTS INCLUDE:

4 (I) LOCAL COMMUNITY GROUPS, INCLUDING HOMEOWNERS'
5 ASSOCIATIONS OR NEIGHBORHOOD ASSOCIATIONS, THAT ARE WITHIN
6 CLOSE PROXIMITY TO THE WUI;

7 (II) LOCAL GOVERNMENT ENTITIES WITHIN OR ADJACENT TO THE
8 WUI;

9 (III) PUBLIC OR PRIVATE UTILITIES, INCLUDING WATER PROVIDERS,
10 WITH INFRASTRUCTURE OR LAND OWNERSHIP IN AREAS OF HIGH RISK FOR
11 CATASTROPHIC WILDFIRES;

12 (IV) STATE AGENCIES, SUCH AS THE COLORADO STATE FOREST
13 SERVICE, THE STATE LAND BOARD, OR THE DIVISION OF PARKS AND
14 WILDLIFE, THAT OWN LANDS OR PROPERTY IN AREAS OF HIGH RISK FOR
15 CATASTROPHIC WILDFIRES; AND

16 (V) NONPROFIT GROUPS THAT PROMOTE HAZARDOUS FOREST FUEL
17 REDUCTION TREATMENT PROJECTS IN PARTNERSHIP WITH LOCAL, STATE,
18 OR PRIVATE ENTITIES.

19 (b) THE ADVISORY COMMITTEE SHALL GIVE PRIORITY TO PROPOSED
20 PROJECTS BASED ON GEOGRAPHY AND RISK ASSESSMENT, USING THE
21 "RED-ZONE" MAP DEVELOPED BY THE COLORADO STATE FOREST SERVICE
22 TO IDENTIFY AREAS WHERE A HIGH RISK OF CATASTROPHIC WILDFIRE
23 ENDANGERS HOMES, COMMUNITIES, UTILITIES, AND WATERSHEDS.

24 (c) IN CONSULTATION WITH THE DEPARTMENT, THE ADVISORY
25 COMMITTEE'S DUTIES ARE TO:

26 (I) DEVELOP SCORING METRICS FOR GRANT PROPOSALS;

27 (II) PREPARE A REQUEST FOR GRANT PROPOSALS;

1 (III) DETERMINE A DEADLINE FOR RECEIVING AN APPLICANT'S
2 GRANT PROPOSAL;

3 (IV) EVALUATE AND RANK GRANT PROPOSALS RECEIVED BY THE
4 DEADLINE; AND

5 (V) AWARD GRANTS.

6 (d) THE DEPARTMENT MAY ASSIGN OTHER DUTIES TO THE
7 ADVISORY COMMITTEE THAT ARE RELATED TO THE GRANT PROPOSAL
8 SELECTION PROCESS.

9 (4) THE ADVISORY COMMITTEE MAY AWARD GRANTS TO AS MANY
10 ELIGIBLE APPLICANTS WHOSE GRANT PROPOSALS THE ADVISORY
11 COMMITTEE WISHES TO FUND UNTIL ALL OF THE GRANT MONEYS ARE
12 AWARDED.

13 (5) THE ADVISORY COMMITTEE IS NOT SUBJECT TO THE REVIEW
14 REQUIRED IN SECTION 2-3-1203, C.R.S.

15 **36-7-405. Wildfire risk reduction fund - creation - transfer.**

16 (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE WILDFIRE
17 RISK REDUCTION FUND, REFERRED TO IN THIS SECTION AS THE "FUND". THE
18 FUND CONSISTS OF ALL MONEYS TRANSFERRED PURSUANT TO SUBSECTION
19 (2) OF THIS SECTION AND ALL MONEYS THAT THE GENERAL ASSEMBLY MAY
20 APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND ARE
21 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF NATURAL
22 RESOURCES FOR THE PURPOSES SET FORTH IN THIS PART 4. ALL INTEREST
23 EARNED FROM THE INVESTMENT OF MONEYS IN THE FUND IS CREDITED TO
24 THE FUND. THE MONEYS IN THE FUND ARE AVAILABLE UNTIL EXPENDED.
25 ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR REMAIN IN
26 THE FUND AND DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER
27 FUND.

1 (2) ON JULY 1, 2013, THE STATE TREASURER SHALL TRANSFER
2 FROM THE GENERAL FUND TO THE WILDFIRE RISK REDUCTION FUND THE
3 SUM OF NINE MILLION EIGHT HUNDRED THOUSAND DOLLARS.

4 **36-7-406. Repeal.** THIS PART 4 IS REPEALED, EFFECTIVE JULY 1,
5 2018.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 23-31-315 as
7 follows:

8 **23-31-315. Technical support for the Colorado wildfire risk**
9 **reduction grant program - repeal.** (1) TO THE EXTENT FEASIBLE WITHIN
10 EXISTING FUNDING, THE COLORADO STATE FOREST SERVICE SHALL, IN
11 COLLABORATION WITH THE DEPARTMENT OF NATURAL RESOURCES,
12 PROVIDE TECHNICAL ASSISTANCE TO APPLICANTS SEEKING A GRANT
13 PURSUANT TO PART 4 OF ARTICLE 7 OF TITLE 36, C.R.S. A COLORADO
14 WILDFIRE RISK REDUCTION GRANT PROGRAM APPLICANT MAY SEEK
15 TECHNICAL SUPPORT FROM THE COLORADO STATE FOREST SERVICE WITH
16 RESPECT TO THE APPLICATION REQUIREMENT THAT THE APPLICANT
17 DEVELOP A PLAN FOR UTILIZING ANY FOREST PRODUCTS GENERATED BY
18 THE APPLICANT'S PROPOSED GRANT PROJECT, AS SET FORTH IN SECTION
19 36-7-403, C.R.S.

20 (2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2018.

21 == ==

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