

CHAPTER 113

NATURAL RESOURCES

HOUSE BILL 16-1255

BY REPRESENTATIVE(S) Coram and Vigil, Arndt, Becker K., Brown, Duran, Fields, Ginal, Hamner, Lontine, Mitsch Bush, Priola, Rosenthal, Hüllinghorst, Kagan, Pettersen, Windholz;
also SENATOR(S) Baumgardner, Cooke, Crowder, Grantham, Jones, Lambert, Lundberg, Marble, Neville T., Roberts, Scheffel, Scott, Sonnenberg, Woods.

AN ACT**CONCERNING ADDITIONAL METHODS TO MANAGE FORESTS TO SECURE FAVORABLE CONDITIONS FOR WATER SUPPLY.**

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

SECTION 1. In Colorado Revised Statutes, 23-31-313, **amend** (6) (b) (I) and (9); and **add** (6) (a) (IV) as follows:

23-31-313. Healthy forests - vibrant communities - funds created - repeal. (6) **Community watershed restoration.** (a) In order to support communities and land managers in moving from risk reduction to long-term ecological restoration so that the underlying condition of Colorado's forests supports a variety of values, particularly public water supply and high-quality wildlife habitat, the forest service shall:

(IV) CONDUCT, OR CONTRACT WITH ONE OR MORE ENTITIES TO CONDUCT, ONE OR MORE DEMONSTRATION PROJECTS THAT UTILIZE COLORADO'S GOOD NEIGHBOR AUTHORITY WITH THE UNITED STATES FOREST SERVICE TO IMPLEMENT FOREST MANAGEMENT TREATMENTS THAT IMPROVE FOREST HEALTH AND RESILIENCE AND SUPPLY FOREST PRODUCTS TO COLORADO BUSINESSES. IN OVERSEEING A PROJECT, THE FOREST SERVICE SHALL:

(A) USE A COLLABORATIVE APPROACH;

(B) LEVERAGE STATE RESOURCES TO ACCOMPLISH WORK ACROSS LAND OWNERSHIP BOUNDARIES IN ORDER TO TREAT MORE ACRES AT REDUCED COST;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(C) TARGET A COLORADO WATERSHED TO IMPLEMENT FOREST MANAGEMENT TREATMENTS THAT WILL PROTECT AND ENHANCE FOREST RESILIENCE, REDUCE THE POTENTIAL FOR CATASTROPHIC WILDFIRE, SALVAGE INSECT-AND DISEASE-IMPACTED TREES, AND PROVIDE FOREST PRODUCTS FOR BUSINESSES IN COLORADO; AND

(D) CONSIDER LOCATIONS THAT HAVE ALREADY BEEN SUBJECT TO REVIEW UNDER THE FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT OF 1969", 42 U.S.C. SEC. 4321 ET SEQ., INCLUDING THE ALPINE PLATEAU IN GUNNISON COUNTY AND AREAS IN THE GRAND MESA, UNCOMPAHGRE, AND GUNNISON NATIONAL FORESTS THAT ARE SUBJECT TO THE SPRUCE BEETLE EPIDEMIC AND ASPEN DECLINE DRAFT ENVIRONMENTAL IMPACT STATEMENT.

(b) (I) The forest service may use up to one million dollars annually until July 1, 2017, from the forest restoration program cash fund created in section 23-31-310 (8.5) for the purpose of complying with this subsection (6), OF WHICH AT LEAST TWO HUNDRED THOUSAND DOLLARS SHALL BE USED TO IMPLEMENT SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF THIS SUBSECTION (6).

(9) **Improved outreach and technical assistance.** In order to ensure that the forest service has the capacity to deliver key funding and technical assistance that will be needed to guide and support implementation of wildfire preparedness, risk mitigation, watershed restoration, and economic development initiatives in a way that adds value to these efforts at the state level and across community boundaries, the forest service shall:

(a) Secure full-time temporary staff for developing, revising, and implementing CWPPs; developing and implementing risk mitigation and watershed restoration plans; strengthening the responsible use of prescribed fire; and supporting economically beneficial uses of woody biomass;

(b) Secure sufficient GIS capacity to assist with wildfire, insect, and disease risk assessments, as well as landscape-scale prioritization and planning; and emphasize making data available to and usable by local entities and other interested parties, including any electric, gas, and water utilities in the affected area; ~~and~~

(c) Develop a web-based clearinghouse for technical assistance and funding resources relevant to the initiatives established in this section; AND

(d) (I) IN CONJUNCTION WITH THE COLORADO WATER CONSERVATION BOARD, COMPILER AND SUMMARIZE FINDINGS FROM EXISTING STUDIES TO QUANTIFY AND DOCUMENT THE RELATIONSHIP BETWEEN THE STATE WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106 (1) (u), C.R.S., AND THE IMPORTANCE OF FOREST MANAGEMENT IN PROTECTING AND MANAGING COLORADO'S WATER RESOURCES. THE COLORADO STATE FOREST SERVICE AND THE BOARD SHALL ENGAGE ADDITIONAL EXPERTISE AS THEY DEEM NECESSARY. THE COMPILATION MUST INCLUDE A SUMMARY OF:

(A) THE POTENTIAL COSTS TO AND EFFECTS ON WATERSHEDS, COMMUNITIES, WATER USERS, AND INFRASTRUCTURE IF APPROPRIATE FOREST MANAGEMENT DOES NOT OCCUR AND A FORESTED AREA BURNS; AND

(B) THE POTENTIAL BENEFITS OF COMPLETING FOREST MANAGEMENT TREATMENTS.

(II) THE BOARD SHALL SUBMIT A REPORT CONTAINING THE RESULTS OF THE COMPILATION TO THE GENERAL ASSEMBLY'S COMMITTEES WITH JURISDICTION OVER NATURAL RESOURCES BY JULY 1, 2017.

(III) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2018.

SECTION 2. In Colorado Revised Statutes, **add** 23-31-316 as follows:

23-31-316. Forest health advisory council - repeal. (1) THERE IS HEREBY CREATED WITHIN THE COLORADO STATE FOREST SERVICE THE FOREST HEALTH ADVISORY COUNCIL TO PROVIDE A COLLABORATIVE FORUM TO ADVISE THE STATE FORESTER ON A BROAD RANGE OF ISSUES, OPPORTUNITIES, AND THREATS WITH REGARD TO COLORADO'S FORESTS. THE COUNCIL CONSISTS OF THE FOLLOWING TWENTY-FOUR MEMBERS:

(a) EIGHT MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(I) THE STATE FORESTER, WHO IS THE CHAIR OF THE COUNCIL;

(II) A SENIOR-LEVEL EXECUTIVE BRANCH POLICY ADVISOR ON WATER OR NATURAL RESOURCES;

(III) TWO MEMBERS WHO ARE EMPLOYED BY OR ASSOCIATED WITH AN ENVIRONMENTAL ORGANIZATION;

(IV) TWO MEMBERS WHO OWN OR ARE EMPLOYED BY A WOOD PRODUCTS BUSINESS;

(V) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A WILDLIFE ORGANIZATION; AND

(VI) ONE MEMBER WHO IS A SCIENTIST OR IS EMPLOYED IN A SCIENTIFIC RESEARCH POSITION;

(b) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS FOLLOWS:

(I) TWO COUNTY COMMISSIONERS, ONE OF WHOM MUST REPRESENT A COUNTY WEST OF THE CONTINENTAL DIVIDE AND BOTH OF WHOM MUST BE SELECTED FROM A LIST PROVIDED BY A STATEWIDE ASSOCIATION OF COUNTIES; AND

(II) TWO MEMBERS WHO ARE EMPLOYED BY A PUBLIC UTILITY THAT OWNS OR OPERATES TRANSMISSION FACILITIES;

(c) FOUR MEMBERS APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES AS FOLLOWS:

(I) ONE MEMBER WHO OWNS A RANCH;

(II) ONE MEMBER WHO IS A FIRE CHIEF;

(III) ONE MEMBER WHO IS AN ENROLLED MEMBER OF A TRIBE THAT HAS A RESERVATION WITHIN COLORADO; AND

(IV) ONE MEMBER WHO IS EMPLOYED BY AN INSURANCE COMPANY;

(d) FOUR MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE AS FOLLOWS:

(I) TWO MEMBERS WHO ARE EMPLOYED BY A MUNICIPAL DRINKING WATER SUPPLIER;

(II) ONE MEMBER WHO IS EMPLOYED BY AN IRRIGATION WATER SUPPLIER; AND

(III) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A CONSERVATION ORGANIZATION;

(e) FOUR MEMBERS APPOINTED BY THE MINORITY LEADER OF THE SENATE AS FOLLOWS:

(I) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH AN ECONOMIC DEVELOPMENT ORGANIZATION;

(II) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A SPORTSMAN ORGANIZATION; AND

(III) TWO MEMBERS WHO ARE EMPLOYED BY OR ASSOCIATED WITH RECREATION ADVOCACY ORGANIZATIONS, OF WHICH ONE ORGANIZATION MUST ADVOCATE FOR MOTORIZED RECREATION AND ONE ORGANIZATION MUST ADVOCATE FOR NONMOTORIZED RECREATION.

(2) THE TERM OF EACH COUNCIL MEMBER IS FIVE YEARS; EXCEPT THAT:

(a) ON AND AFTER SEPTEMBER 1, 2021, THE TERM OF EACH COUNCIL MEMBER IS FOUR YEARS; AND

(b) THE INITIAL TERMS OF HALF OF THE MEMBERS SPECIFIED IN PARAGRAPHS (b), (c), (d), AND (e) OF SUBSECTION (1) OF THIS SECTION ARE TWO YEARS, AS SPECIFIED BY THE CORRESPONDING APPOINTING AUTHORITY.

(3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021. BEFORE ITS REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203, C.R.S.

SECTION 3. In Colorado Revised Statutes, 2-3-1203, **add** (3) (hh.5) (II) as follows:

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

(hh.5) September 1, 2021:

(II) THE FOREST HEALTH ADVISORY COUNCIL CREATED IN SECTION 23-31-316, C.R.S.;

SECTION 4. Applicability. This act applies to conduct occurring on or after the effective date of this act.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 21, 2016