

CHAPTER 383

NATURAL RESOURCES

HOUSE BILL 03-1092

BY REPRESENTATIVE(S) White, Hoppe, Rippy, Wiens, Brophy, Cadman, Crane, Fairbank, Fritz, Hall, Hefley, Lee, Lundberg, May M., McCluskey, Miller, Rhodes, Rose, Salazar, Schultheis, Spradley, Stafford, Williams S., and Young; also SENATOR(S) Anderson, Arnold, Cairns, Gordon, Groff, Grossman, Hillman, Isgar, Kester, and Taylor.

AN ACT**CONCERNING MANAGEMENT OF COLORADO'S STATE-OWNED FORESTED LAND.**

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

SECTION 1. 23-30-301, Colorado Revised Statutes, is amended to read:

23-30-301. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) THE MANAGEMENT OF COLORADO'S STATE-OWNED FORESTED LAND HAS FAR-REACHING IMPACTS ON OVERALL FOREST CONDITION, RISK OF WILDFIRE, WATER QUANTITY AND QUALITY, AND WILDLIFE HABITAT;

(b) THE UNNATURAL CONDITION OF MANY FORESTS THROUGHOUT THE STATE LEAVES THEM AT GREAT RISK TO CATASTROPHIC FIRES, INVASION BY EXOTIC AND NATIVE PEST SPECIES, AND OTHER TYPES OF DAMAGE ON A LANDSCAPE SCALE;

(c) AS A RESULT OF THE 2002 WILDFIRE SEASON, THE WORST IN COLORADO'S RECORDED HISTORY, IN WHICH TWO THOUSAND TWELVE FIRES CONSUMED OVER HALF A MILLION ACRES OF FORESTED LAND:

(I) LOCAL, STATE, AND FEDERAL AGENCIES INCURRED ONE HUNDRED FIFTY-TWO MILLION DOLLARS IN SUPPRESSION COSTS AND AT LEAST FIFTY MILLION DOLLARS TO DATE IN REHABILITATION COSTS ON UNITED STATES FOREST SERVICE LAND ALONE; AND

(II) EIGHTY-ONE THOUSAND FOUR HUNDRED THIRTY-FIVE RESIDENTS HAD TO BE EVACUATED FROM THEIR HOMES;

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

(d) EXCESSIVE RUNOFF AND SOIL EROSION THAT OCCURS FOLLOWING WILDFIRES POSES A SUBSTANTIAL THREAT TO WATER QUANTITY AND QUALITY IN AREAS DEPENDENT ON FOREST WATERSHEDS, INCLUDING WATER SUPPLIES AND WILDLIFE;

(e) SINCE 1937, UNITED STATES FOREST SERVICE SCIENTISTS HAVE BEEN STUDYING THE RELATIONSHIP BETWEEN FORESTS AND WATER YIELDS IN THE FRASER EXPERIMENTAL FOREST IN WESTERN COLORADO AND HAVE FOUND THAT UNNATURALLY OVERGROWN STANDS REDUCE WATER YIELDS AND THAT CAREFULLY APPLIED NATURAL FOREST MANAGEMENT PRACTICES CAN CONSERVE A MORE NATURAL WATER YIELD;

(f) DECADES OF SCIENTIFIC RESEARCH HAVE BUILT A FOUNDATION OF KNOWLEDGE AND TECHNOLOGIES TO INFORM AND IMPLEMENT SOUND FOREST MANAGEMENT AND CONSERVATION;

(g) ROBUST, RESILIENT FOREST CONDITIONS THAT SUSTAIN DIVERSE FOREST STAGES ARE ESSENTIAL FOR PRODUCTIVE HABITAT, HEALTHY POPULATIONS OF WILDLIFE, AND IMPROVED WATER QUALITY AND QUANTITY FOR COLORADO'S FISHERIES;

(h) SOUND FOREST MANAGEMENT ACTIVITIES, SUCH AS THINNING, PRESCRIBED BURNING, AND INSECT AND DISEASE TREATMENTS, IMPROVE THE OVERALL DIVERSITY AND VIGOR OF FORESTED LANDSCAPES AS WELL AS THE CONDITION OF RELATED WATER, WILDLIFE, RECREATION, AND AESTHETIC RESOURCES;

(i) THE COLORADO STATE FOREST SERVICE HAS WORKED COOPERATIVELY AND SUCCESSFULLY WITH THE DIVISION OF WILDLIFE, THE STATE BOARD OF LAND COMMISSIONERS, AND THE DIVISION OF PARKS AND OUTDOOR RECREATION TO IMPROVE THE CONDITION OF FORESTED LAND AND WILDLIFE HABITAT IN SELECTED PROJECT AREAS;

(j) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE BOARD OF GOVERNORS OF THE COLORADO STATE UNIVERSITY SYSTEM TO WORK COOPERATIVELY WITH THE COLORADO STATE FOREST SERVICE AND TO PROVIDE STAFF FOR THE DIVISION OF FORESTRY TO CARRY OUT ITS MISSION OF IMPROVING THE HEALTH AND SUSTAINABILITY OF COLORADO'S FORESTED STATE LAND.

(2) THE GENERAL ASSEMBLY HEREBY DECLARES THAT it is the public policy of this state to encourage the health of forest ecosystems through responsible management of the forest land of the state, including the use of prescribed and natural ignition fires and other pre-suppression activities, such as the harvest of materials, in order to preserve forest and other natural resources, enhance the growth and maintenance of forests, conserve forest cover on watersheds, protect recreational, wildlife, and other values, promote stability of forest-using industries, and prevent loss of life and damage to property from wildfires and other conflagrations.

SECTION 2. Part 2 of article 33 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33-205. Management of state forest lands. (1) THE DEPARTMENT OF NATURAL RESOURCES AND ITS DIVISIONS THAT OWN FORESTED LAND, IN

CONSULTATION AND COOPERATION WITH THE STATE FORESTER, SHALL ACTIVELY MANAGE ALL FORESTED STATE LANDS, CONSISTENT WITH APPLICABLE LAWS AND STATE BEST MANAGEMENT PRACTICES, USING THE RANGE OF MANAGEMENT OPTIONS APPROPRIATE TO THE GIVEN FOREST ECOSYSTEM, TO:

- (a) REESTABLISH NATURAL FOREST CONDITIONS;
- (b) REDUCE THE THREAT OF LARGE, HIGH-INTENSITY WILDFIRES;
- (c) SUSTAIN AND PROMOTE NATURAL HABITAT CONSISTENT WITH HEALTHY FOREST CONDITIONS; AND
- (d) PROTECT AND RESTORE WATERSHEDS.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 5, 2003