

## CHAPTER 311

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**NATURAL RESOURCES**


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**HOUSE BILL 07-1130**

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 also SENATOR(S) Fitz-Gerald, Isgar, Penry, Taylor, Bacon, Groff, Harvey, Kester, Kopp, Mitchell S., Morse, Romer, Sandoval, Shaffer, Tochtrop, Tupa, Veiga, Ward, Wiens, Williams, and Windels.

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

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

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

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

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

(a) "ACCREDITED COLORADO YOUTH CORPS" MEANS A YOUTH CORPS ORGANIZATION THAT IS ACCREDITED BY THE COLORADO YOUTH CORPS ASSOCIATION.

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

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

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*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) "STAKEHOLDER" MEANS COUNTY AND MUNICIPAL GOVERNMENTS, EDUCATIONAL INSTITUTIONS, LANDOWNERS, AND OTHER INTERESTED PUBLIC AND PRIVATE ENTITIES.

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

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

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

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

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

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

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

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

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

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

(e) INCORPORATE CURRENT SCIENTIFIC FOREST RESTORATION INFORMATION;

(f) INCLUDE AN ASSESSMENT TO:

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

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

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

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

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

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

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

(d) EQUAL REPRESENTATION FROM:

(I) CONSERVATION INTERESTS;

(II) LOCAL COMMUNITIES; AND

(III) COMMODITY INTERESTS.

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

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

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

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

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

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

(u) July 1, 2008:

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

**SECTION 3. 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: May 29, 2007