

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0176.01 Richard Sweetman x4333

HOUSE BILL 22-1012

HOUSE SPONSORSHIP

Cutter and Valdez D., Lynch, Snyder

SENATE SPONSORSHIP

Ginal and Lee, Story

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HEALTHY FORESTS.**

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://leg.colorado.gov/>.)

Wildfire Matters Review Committee. Section 1 of the bill creates the wildfire mitigation and recovery grant program (grant program) in the Colorado state forest service (forest service) to provide grants to help counties with forested areas prevent and recover from wildfire incidents and ensure that such efforts are undertaken in a manner that reduces the amount of carbon that enters the atmosphere. In expending grant money, a county, to the extent practicable, shall ensure that biomass that is removed from forests is recycled or disposed of in a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

manner that reduces the amount of carbon that enters the atmosphere.

The forest service shall administer the grant program and, subject to available appropriations, award grants out of money annually appropriated to the forest service for the grant program. The forest service shall review grant applications in consultation with the division of fire prevention and control in the department of public safety and with the Colorado forest health council in the department of natural resources.

The grant program is repealed, effective September 1, 2028. Before the repeal, the grant program is scheduled for a sunset review by the department of regulatory agencies. **Section 2** schedules this review.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-31-310, **amend**
3 (1.5)(c) and (4)(b)(III); and **add** (4)(b)(V), (4)(b)(VI), and (8.3)(a)(III)(C)
4 as follows:

5 **23-31-310. Forest restoration and wildfire risk mitigation**
6 **grant program - technical advisory panel - legislative declaration -**
7 **definitions - repeal. (1.5) Legislative declaration.** The general
8 assembly hereby:

9 (c) Declares that it intends to provide aid and guidance for
10 catastrophic wildfire risk mitigation and forest health improvements by
11 authorizing a competitive grant program to:

12 (I) Assist with funding community-level actions across the entire
13 state that are implemented to protect populations and property in the
14 wildland-urban interface; ~~and to~~

15 (II) Promote forest health and the utilization of woody material,
16 including traditional forest products and biomass energy;

17 (III) **HELP COMMUNITIES WITH FORESTED AREAS PREVENT AND**
18 **RECOVER FROM WILDFIRE INCIDENTS BY REMOVING DEAD TREES AND**
19 **OTHER POTENTIAL FUEL AS WELL AS DEBRIS THAT HAS RESULTED FROM AN**
20 **INCIDENT OF WILDFIRE OR INSECT INFESTATION; AND**

1 (IV) ENSURE THAT EFFORTS DESCRIBED IN SUBSECTION
2 (1.5)(c)(III) OF THIS SECTION ARE UNDERTAKEN IN A MANNER THAT
3 MINIMIZES THE AMOUNT OF CARBON THAT ENTERS THE ATMOSPHERE.

4 (4) **Eligibility requirements.** To be eligible to receive funding
5 under this section, a project must:

6 (b) Address one or more of the following objectives for the
7 purpose of protecting water supplies:

8 (III) Replanting NATIVE trees in deforested areas if such areas
9 exist in the proposed project area; and

10 (V) REDUCING POST-FIRE SOIL EROSION THROUGH THE USE OF
11 AERIAL MULCHING, SEEDING WITH NATIVE SEED MIXES, AND RELATED
12 ACTIONS; OR

13 (VI) PROMOTING THE RECOVERY OF FORESTED LANDS FROM
14 WILDFIRE INCIDENTS BY REMOVING DEAD TREES IN AREAS WITH SAFETY
15 CONCERNS ARISING FROM THE AREAS' PROXIMITY TO COMMUNITIES,
16 ROADS, TRAILS, OR STRUCTURES.

17 (8.3) **Grant program.** (a) The forest service shall develop and
18 administer the program in consultation with the technical advisory panel
19 created in subsection (5) of this section. In developing the program, the
20 forest service shall:

21 (III) Require a grant applicant to demonstrate that:

22 (C) FOR A PROPOSED PROJECT TO REMOVE DEAD TREES NEAR
23 COMMUNITIES, ROADS, TRAILS, OR STRUCTURES PURSUANT TO SUBSECTION
24 (4)(b)(VI) OF THIS SECTION, AREAS OF SALVAGE AND EXCLUSIONS FROM
25 SALVAGE ARE IDENTIFIED BASED ON ECOLOGICAL DATA, TAKING INTO
26 ACCOUNT SITE-SPECIFIC FEATURES, AND GUIDELINES FOR THE
27 PRESERVATION OF KEY BIODIVERSITY ATTRIBUTES ARE CREATED THAT

1 ENSURE ADEQUATE RIPARIAN BUFFERS AND MITIGATE SOIL AND FOREST
2 RECOVERY DISTURBANCES FROM THE TREE REMOVAL PROCESS. ■ ■

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly; except
6 that, if a referendum petition is filed pursuant to section 1 (3) of article V
7 of the state constitution against this act or an item, section, or part of this
8 act within such period, then the act, item, section, or part will not take
9 effect unless approved by the people at the general election to be held in
10 November 2022 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.