

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 25-0110.01 Megan McCall x4215

HOUSE BILL 25-1023

HOUSE SPONSORSHIP

Martinez and Bacon,

SENATE SPONSORSHIP

Gonzales J. and Simpson, Weissman

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LOCAL GOVERNMENT REVIEW OF CERTAIN FENCING**
102 **PROJECTS.**

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>.)

The bill requires, on or after July 1, 2025, and before commencing a project to install or substantially repair a contiguous fence of a certain size in the Sangre de Cristo land grant lands (covered fencing project), a person to submit an application for the covered fencing project to the local government with jurisdiction over the covered fencing project (application). No later than 14 days after the local government's receipt

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

HOUSE
Amended 2nd Reading
February 5, 2025

of an application, the local government must publish notice of the application on the local government's website. No later than 60 days after the local government's receipt of an application, the local government must either approve or reject the application based on certain criteria. Despite the criteria, a local government may approve an application if it determines that the benefits of the covered fencing project outweigh the harms. Also, the governing body of a local government may pass an ordinance or resolution opting out of these requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 29-20-112** as
3 follows:

4 **29-20-112. Local government review of certain fencing**
5 **projects in the Sangre de Cristo land grant lands - requirement to opt**
6 **in - exemptions - definitions - legislative declaration.** (1) (a) THE

7 GENERAL ASSEMBLY FINDS AND DETERMINES THAT:

8 (I) THE SANGRE DE CRISTO LAND GRANT LANDS ARE A PLACE OF
9 RICH HISTORY AND TRADITION AND CONTAIN AN ABUNDANCE OF WILDLIFE
10 AND VEGETATION THAT ARE OF GREAT SIGNIFICANCE TO THE ENTIRE
11 STATE;

12 (II) THE SANGRE DE CRISTO LAND GRANT LANDS ARE AT RISK OF
13 LANDOWNERS UNDERTAKING ENVIRONMENTALLY DAMAGING FENCING
14 PROJECTS WITHOUT OVERSIGHT OR INTERVENTION BY A LOCAL
15 GOVERNMENT;

16 (III) THESE FENCING PROJECTS DENY WILDLIFE ACCESS TO WATER,
17 FOOD, AND SHELTER THAT THE WILDLIFE DEPENDS ON TO SURVIVE AND
18 ALSO DISTURB ESTABLISHED MIGRATION PATTERNS;

19 (IV) THESE FENCING PROJECTS ALSO ADVERSELY IMPACT THE
20 VEGETATION THAT HELPS TO PREVENT SOIL EROSION, MAINTAIN WATER
21 QUALITY, AND PROVIDE A HABITAT FOR WILDLIFE; AND

1 (V) THEREFORE, REVIEW OF CERTAIN FENCING PROJECTS IN THE
2 SANGRE DE CRISTO LAND GRANT LANDS BY LOCAL GOVERNMENTS:

3 (A) IS NECESSARY TO AVOID NEGATIVE IMPACTS TO WILDLIFE AND
4 VEGETATION BEFORE THE FENCING PROJECT COMMENCES; AND

5 (B) ALLOWS LOCAL GOVERNMENTS THE FLEXIBILITY TO APPROVE
6 THE FENCING PROJECT IF THE LOCAL GOVERNMENT DETERMINES THAT THE
7 BENEFITS OF THE FENCING PROJECT OUTWEIGH THE HARMS.

8 (b) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT THE
9 REVIEW OF CERTAIN FENCING PROJECTS IN THE SANGRE DE CRISTO LAND
10 GRANT LANDS BY LOCAL GOVERNMENTS IS A MATTER OF STATEWIDE
11 CONCERN AND HAS A SIGNIFICANT ENVIRONMENTAL BENEFIT TO THE
12 STATE.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "CONTIGUOUS" MEANS THAT EACH PORTION OF FENCE IS NO
16 MORE THAN THREE FEET FROM A DIRECTLY ADJACENT PORTION OF FENCE.

17 (b)(I) "COVERED FENCING PROJECT" MEANS A PROJECT TO INSTALL
18 OR SUBSTANTIALLY REPAIR A CONTIGUOUS FENCE THAT IS PARTIALLY OR
19 ENTIRELY IN THE SANGRE DE CRISTO LAND GRANT LANDS AND THAT UPON
20 COMPLETION WILL:

21 (A) ENCLOSE A SPACE AND WILL BE NO LOWER THAN FIVE FEET IN
22 HEIGHT AT ANY POINT ALONG THE FENCE AND WILL BE ONE MILE IN
23 LENGTH OR LONGER; OR

24 (B) NOT ENCLOSE A SPACE AND WILL BE NO LOWER THAN FIVE
25 FEET IN HEIGHT AT ANY POINT ALONG THE FENCE AND WILL BE ONE-HALF
26 MILE IN LENGTH OR LONGER.

27 (II) "COVERED FENCING PROJECT" INCLUDES THE ADDITION OF

1 HEIGHT OR LENGTH TO A CONTIGUOUS FENCE THAT CAUSES THE
2 CONTIGUOUS FENCE TO MEET THE HEIGHT AND LENGTH SPECIFICATIONS
3 DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS SECTION.

4 (c) "DISTURBANCE" MEANS A DISTURBANCE OF MORE THAN ONE
5 ACRE OF TOPSOIL.

6 (d) "FENCE" INCLUDES GATES.

7 (e) "PRISON" MEANS A:

8 (I) CORRECTIONAL FACILITY, AS DEFINED IN SECTION 17-1-102
9 (1.7);

10 (II) LOCAL JAIL, AS DEFINED IN SECTION 17-1-102 (7); OR

11 (III) PRIVATE CONTRACT PRISON, AS DEFINED IN SECTION 17-1-102
12 (7.3).

13 (f) "PUBLIC SCHOOL" HAS THE MEANING SET FORTH IN SECTION
14 22-1-144 (1)(d).

15 (g) "PUBLIC UTILITY" HAS THE MEANING SET FORTH IN SECTION
16 40-1-103 (1)(a)(I).

17 (h) "SANGRE DE CRISTO LAND GRANT LANDS" MEANS THE PORTION
18 OF LANDS IN COLORADO THAT IS COVERED BY THE SANGRE DE CRISTO
19 LAND GRANT, WHICH WAS GRANTED TO SETTLERS BY MEXICO IN 1844 AND
20 CONFIRMED BY THE UNITED STATES IN 1848 THROUGH THE TREATY OF
21 GUADALUPE HIDALGO.

22 (i) "SUBSTANTIALLY REPAIR" MEANS A LEVEL OF REPAIR THAT
23 REQUIRES AT LEAST ONE-HALF MILE OF FENCE TO BE TAKEN DOWN AND
24 REINSTALLED.

25 (3) (a) ON OR AFTER JULY 1, 2025, BEFORE COMMENCING A
26 COVERED FENCING PROJECT, A PERSON SHALL SUBMIT AN APPLICATION FOR
27 THE COVERED FENCING PROJECT TO THE LOCAL GOVERNMENT WITH

1 JURISDICTION OVER THE COVERED FENCING PROJECT. IF TWO OR MORE
2 ADJACENT LOCAL GOVERNMENTS HAVE JURISDICTION OVER THE COVERED
3 FENCING PROJECT, THE PERSON SHALL SUBMIT THE APPLICATION FOR THE
4 COVERED FENCING PROJECT TO THE LOCAL GOVERNMENT WITH THE
5 JURISDICTION THAT WILL CONTAIN THE MOST FENCE WHEN THE COVERED
6 FENCING PROJECT IS COMPLETE. THE APPLICATION MUST CONTAIN, AT A
7 MINIMUM, THE FOLLOWING INFORMATION:

- 8 (I) FENCE HEIGHT;
- 9 (II) FENCE LENGTH;
- 10 (III) FENCE TYPE;
- 11 (IV) FENCE MATERIAL;
- 12 (V) ADJUSTMENTS MADE TO ALLOW FOR WILDLIFE PASSAGE;
- 13 (VI) WHETHER A DISTURBANCE HAS OCCURRED OR WILL OCCUR AS
14 A RESULT OF THE FENCING PROJECT;
- 15 (VII) MIGRATION AND HUNTING PATTERNS IN THE AREA OF THE
16 FENCING PROJECT;
- 17 (VIII) THE PURPOSE OF THE FENCING PROJECT; AND
- 18 (IX) ANY OTHER INFORMATION RELEVANT TO THE LOCAL
19 GOVERNMENT'S DECISION PURSUANT TO SUBSECTION (3)(c) OF THIS
20 SECTION.

21 (b) NO LATER THAN FOURTEEN DAYS AFTER THE LOCAL
22 GOVERNMENT'S RECEIPT OF AN APPLICATION DESCRIBED IN SUBSECTION
23 (3)(a) OF THIS SECTION, THE LOCAL GOVERNMENT SHALL PUBLISH NOTICE
24 OF THE APPLICATION ON THE LOCAL GOVERNMENT'S WEBSITE.

25 (c) NO LATER THAN SIXTY DAYS AFTER THE LOCAL GOVERNMENT'S
26 RECEIPT OF AN APPLICATION DESCRIBED IN SUBSECTION (3)(a) OF THIS
27 SECTION, THE LOCAL GOVERNMENT SHALL EITHER APPROVE OR REJECT THE

1 APPLICATION BASED ON WHETHER:

2 (I) THERE IS A RATIONAL PURPOSE FOR THE COVERED FENCING
3 PROJECT;

4 (II) THE COVERED FENCING PROJECT WOULD HAVE AN ADVERSE
5 IMPACT ON HUNTERS' RIGHTS;

6 (III) THE COVERED FENCING PROJECT WOULD HAVE AN ADVERSE
7 IMPACT ON SURROUNDING FLOODPLAINS;

8 (IV) THE APPLICANT INTENDS TO COMPLETE NECESSARY
9 REVEGETATION AS A RESULT OF THE COVERED FENCING PROJECT; AND

10 (V) THE COVERED FENCING PROJECT WOULD SIGNIFICANTLY
11 DEGRADE THE AESTHETIC VALUE OF THE SURROUNDING LANDSCAPE.

12 (d) EXCEPT AS SET FORTH IN SUBSECTION (3)(e) OF THIS SECTION,
13 A LOCAL GOVERNMENT SHALL NOT APPROVE AN APPLICATION SUBMITTED
14 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION UNLESS THE APPLICANT
15 DEMONSTRATES THAT THE COVERED FENCING PROJECT WILL:

16 (I) PROVIDE PASSAGE FOR LARGE MAMMALIAN WILDLIFE THROUGH
17 AN OPENING THAT IS AT LEAST TWENTY FEET WIDE AND HAS A HEIGHT OF
18 NOT MORE THAN FORTY-TWO INCHES FROM THE GROUND TO THE TOP RAIL
19 OR WIRE FOR AT LEAST EVERY ONE-FOURTH MILE OF FENCE;

20 (II) PROVIDE PASSAGE FOR SMALL MAMMALIAN WILDLIFE
21 THROUGH AN OPENING THAT IS AT LEAST FIVE FEET WIDE AND HAS A
22 HEIGHT OF AT LEAST SIXTEEN INCHES FROM THE GROUND TO THE BOTTOM
23 RAIL OR WIRE FOR AT LEAST EVERY ONE-TENTH MILE OF FENCE; AND

24 (III) NOT CAUSE A DISTURBANCE, UNLESS THE APPLICANT HAS
25 OBTAINED ANY NECESSARY PERMIT FROM THE DEPARTMENT OF PUBLIC
26 HEALTH AND ENVIRONMENT.

27 (e) NOTWITHSTANDING THIS SUBSECTION (3), THE LOCAL

1 GOVERNMENT MAY APPROVE AN APPLICATION PURSUANT TO SUBSECTION
2 (3)(c) OF THIS SECTION IF THE LOCAL GOVERNMENT DETERMINES THAT THE
3 BENEFITS OF THE COVERED FENCING PROJECT OUTWEIGH THE HARMS.

4 (f) NOTWITHSTANDING THIS SUBSECTION (3), A LOCAL
5 GOVERNMENT SHALL NOT REQUIRE A PERSON COMMENCING A COVERED
6 FENCING PROJECT TO SUBMIT AN APPLICATION PURSUANT TO SUBSECTION
7 (3)(a) OF THIS SECTION OR PAY A FEE ASSOCIATED WITH SUBMITTING AN
8 APPLICATION IF THE LOCAL GOVERNMENT FINDS THAT THE COVERED
9 FENCING PROJECT PRESENTS NO SIGNIFICANT ENVIRONMENTAL IMPACTS.

10 (4) (a) A LOCAL GOVERNMENT ORDINANCE, RESOLUTION,
11 REGULATION, OR OTHER LAW THAT IS MORE STRICT THAN ONE OR MORE OF
12 THE STANDARDS DESCRIBED IN SUBSECTION (3) OF THIS SECTION
13 SUPERSEDES THE CONFLICTING STANDARD OR STANDARDS DESCRIBED IN
14 SUBSECTION (3) OF THIS SECTION FOR ANY APPLICATIONS SUBMITTED
15 WITHIN THE LOCAL GOVERNMENT'S JURISDICTION.

16 (b) A LOCAL GOVERNMENT IS ONLY SUBJECT TO THE
17 REQUIREMENTS OF THIS SECTION IF THE GOVERNING BODY OF THE LOCAL
18 GOVERNMENT ADOPTS AN ORDINANCE, RESOLUTION, REGULATION, OR
19 OTHER LAW DECLARING THAT THE LOCAL GOVERNMENT OPTS INTO THE
20 REQUIREMENTS OF THIS SECTION.

21 (5) THIS SECTION DOES NOT APPLY TO A COVERED FENCING
22 PROJECT THAT IS NECESSARY FOR:

23 (a) A PROJECT BY A PUBLIC UTILITY OR THE DEPARTMENT OF
24 TRANSPORTATION;

25 (b) THE SAFETY OR SECURITY OF A PUBLIC SCHOOL OR A PRISON;
26 OR

27 (c) FENCES PROVIDED BY THE DIVISION OF PARKS AND WILDLIFE

1 PURSUANT TO PART 1 OF ARTICLE 3 OF TITLE 33.

2 **SECTION 2. Applicability.** This act applies to covered fencing
3 projects commencing on or after July 1, 2025.

4 **SECTION 3. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.