

CHAPTER 318

NATURAL RESOURCES

SENATE BILL 05-243

BY SENATOR(S) Isgar, Entz, Taylor, Evans, Fitz-Gerald, Johnson, McElhany, Teck, Tochtrop, Wiens, and Lamborn;
also REPRESENTATIVE(S) Penry, Berens, Crane, Curry, Gallegos, Hoppe, Kerr, Stafford, and Sullivan.

AN ACT**CONCERNING THE CREATION OF A ROADLESS AREAS REVIEW TASK FORCE.**

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

SECTION 1. Legislative declaration. The general assembly finds, determines, and declares that the management of national forest roadless areas is of great importance to Colorado, its economy, and its environment. The general assembly further finds that the state of Colorado should seek to resolve deliberations and disputes concerning such management by engaging local communities, affected stakeholders, and the people of Colorado as to the proper management of these lands.

SECTION 2. Article 7 of title 36, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 3
ROADLESS AREAS REVIEW TASK FORCE**

36-7-301. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "APPLICABLE FOREST AREAS" MEANS THE APPROXIMATELY FOUR MILLION FOUR HUNDRED THOUSAND ACRES OF UNITED STATES FOREST LANDS LOCATED IN COLORADO THAT WERE IDENTIFIED AS ROADLESS IN A SET OF INVENTORIED ROADLESS AREA MAPS CONTAINED IN THE NATIONAL FOREST SERVICE'S ROADLESS AREA CONSERVATION FINAL ENVIRONMENTAL IMPACT STATEMENT, VOLUME 2, DATED NOVEMBER 2000, AND HELD AT THE NATIONAL HEADQUARTERS OF THE FOREST SERVICE.

(2) "FINAL RULE" MEANS THE UNITED STATES DEPARTMENT OF AGRICULTURE'S

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

RULE REGARDING STATE PETITIONS FOR INVENTORIED ROADLESS AREA MANAGEMENT ADOPTED AFTER AND IN RESPONSE TO THE PROPOSED RULE.

(3) "PROPOSED RULE" MEANS THE UNITED STATES DEPARTMENT OF AGRICULTURE'S RULE PROPOSED ON JULY 16, 2004, REGARDING STATE PETITIONS FOR INVENTORIED ROADLESS AREA MANAGEMENT, 69 FED. REG. 42636.

(4) "ROADLESS AREA CONSERVATION RULE" MEANS THE FINAL RULE AND RECORD OF DECISION PUBLISHED IN THE FEDERAL REGISTER ON JANUARY 12, 2001, 66 FED. REG. 3244.

(5) "TASK FORCE" MEANS THE COLORADO ROADLESS AREAS REVIEW TASK FORCE CREATED IN SECTION 36-7-302.

36-7-302. Roadless areas review task force. (1) THERE IS HEREBY CREATED THE COLORADO ROADLESS AREAS REVIEW TASK FORCE. THE TASK FORCE SHALL MAKE RECOMMENDATIONS TO THE GOVERNOR REGARDING THE APPROPRIATE MANAGEMENT OF APPLICABLE FOREST AREAS. THE TASK FORCE SHALL MAKE ITS RECOMMENDATIONS ON OR BEFORE THE DATE THAT IS TWO MONTHS BEFORE THE DEADLINE SPECIFIED IN THE FINAL RULE FOR THE GOVERNOR TO SUBMIT MANAGEMENT RECOMMENDATIONS TO THE NATIONAL FOREST SERVICE.

(2) (a) PRIOR TO MAKING ITS RECOMMENDATIONS, THE TASK FORCE SHALL:

(I) HOLD ONE PUBLIC MEETING IN EACH OF THE COMMUNITIES OF DELTA, DURANGO, FORT COLLINS, GLENWOOD SPRINGS, MONTE VISTA, PUEBLO, AND STEAMBOAT SPRINGS;

(II) HOLD ONE PUBLIC MEETING AT THE STATE CAPITOL; AND

(III) PROVIDE OPPORTUNITY FOR COLORADO CITIZENS TO SUBMIT WRITTEN COMMENTS TO THE TASK FORCE.

(b) THE TASK FORCE SHALL CONSIDER AND GIVE WEIGHT TO PUBLIC COMMENTS RECEIVED DURING THE PUBLIC HEARING PROCESS, AS WELL AS WRITTEN COMMENTS FROM AFFECTED COUNTIES, CITIES, CITY AND COUNTIES, SPECIAL DISTRICTS, FOREST STAKEHOLDER GROUPS, AND ANY OTHER COLORADO CITIZENS. THE TASK FORCE SHALL CONSIDER COMMENTS ON THE ROADLESS CHARACTERISTICS OF ALL APPLICABLE FOREST AREAS, USING THE ROADLESS AREA CONSERVATION RULE AS THE STARTING POINT FOR ITS DELIBERATIONS.

(3) THE TASK FORCE'S RECOMMENDATIONS MAY INCLUDE BOUNDARY ADJUSTMENTS TO APPLICABLE FOREST AREAS OR MODIFICATIONS TO THE MANAGEMENT PRESCRIPTIONS, STANDARDS, OR GUIDELINES OF APPLICABLE FOREST AREAS AS SET FORTH IN THE ROADLESS AREA CONSERVATION RULE. ALL RECOMMENDATIONS BY THE TASK FORCE SHALL BE BASED ON A SUBSTANTIVE ANALYSIS OF THE COMMENTS DURING THE PROCESS DESCRIBED IN SUBSECTION (2) OF THIS SECTION. EACH OF THE TASK FORCE'S RECOMMENDATIONS SHALL REQUIRE THE AFFIRMATIVE CONSENT OF EIGHT OF ITS MEMBERS.

(4) THE TASK FORCE SHALL CONSIST OF:

(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES OR THE EXECUTIVE DIRECTOR'S DESIGNEE, WHO SHALL CONVENE AND CHAIR THE TASK FORCE AND WHO IS AUTHORIZED TO CONTRACT WITH A MEDIATOR OR OTHER THIRD PARTY TO FACILITATE ACCOMPLISHMENT OF THE TASK FORCE'S DUTIES;

(b) FOUR MEMBERS APPOINTED BY THE GOVERNOR;

(c) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(d) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;

(e) ONE MEMBER APPOINTED BY THE CHAIR OF THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE;

(f) ONE MEMBER APPOINTED BY THE CHAIR OF THE SENATE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE; AND

(g) TWO MEMBERS APPOINTED BY MUTUAL AGREEMENT AND CONSENT OF THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE SENATE.

36-7-303. Repeal. THIS PART 3 IS REPEALED, EFFECTIVE WHEN THE GOVERNOR DELIVERS MANAGEMENT RECOMMENDATIONS TO THE NATIONAL FOREST SERVICE. THE GOVERNOR SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE RECOMMENDATIONS HAVE BEEN DELIVERED.

36-7-304. Disclaimer. NOTHING IN THIS PART 3 SHALL BE CONSTRUED AS AN ENDORSEMENT OF THE FINAL RULE BY THE GENERAL ASSEMBLY OR THE STATE OF COLORADO.

SECTION 3. Effective date. This act shall take effect upon adoption of the final rule, a decision by the governor to participate in a state petition process specified in the final rule, and the receipt of an implementing appropriation from the federal government in an amount deemed sufficient by the house of representatives agriculture, livestock, and natural resources committee and the senate agriculture, natural resources, and energy committee in consultation with the executive director of the department of natural resources to implement this act. The executive director shall notify the revisor of statutes in writing when the conditions contained in this section have been satisfied.

SECTION 4. 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: June 8, 2005