

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 16-0797.01 Thomas Morris x4218

HOUSE BILL 16-1255

HOUSE SPONSORSHIP

Coram and Vigil,

SENATE SPONSORSHIP

Baumgardner,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

Agriculture, Natural Resources, & Energy

A BILL FOR AN ACT

101 CONCERNING ADDITIONAL METHODS TO MANAGE FORESTS TO SECURE
102 FAVORABLE CONDITIONS FOR WATER SUPPLY.

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://www.leg.state.co.us/billsummaries>.)

Section 1 of the bill directs the Colorado state forest service to conduct, or contract with one or more entities to conduct, demonstration pilot projects that utilize Colorado's good neighbor authority with the United States forest service to implement forest management treatments that improve forest health and resilience and supply forest products to Colorado businesses and that target a Colorado watershed. Of the \$1

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

SENATE
Amended 2nd Reading
March 29, 2016

HOUSE
3rd Reading Unamended
March 8, 2016

HOUSE
Amended 2nd Reading
March 3, 2016

million that is currently annually allocated to the state forest service for community watershed restoration, the bill allocates at least \$200,000 to implement the pilot projects. Section 1 also directs the state forest service, in conjunction with the Colorado water conservation board, to conduct, or contract with one or more entities to conduct, a study to quantify and document the relationship between the state water plan and the importance of forest management in protecting and managing Colorado's water resources. The report containing the results of the study must be submitted to the general assembly's committees with jurisdiction over natural resources by January 1, 2017.

Section 2 creates within the state forest service the forest health advisory council to provide a collaborative forum to advise the state forester on a broad range of issues, opportunities, and threats with regard to Colorado's forests. The council will be appointed by the governor and legislative leadership and is subject to sunset review in 2021 (**section 3**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-31-313, **amend**
3 (6) (b) (I) and (9); and **add** (6) (a) (IV) as follows:

4 **23-31-313. Healthy forests - vibrant communities - funds**
5 **created - repeal. (6) Community watershed restoration.** (a) In order
6 to support communities and land managers in moving from risk reduction
7 to long-term ecological restoration so that the underlying condition of
8 Colorado's forests supports a variety of values, particularly public water
9 supply and high-quality wildlife habitat, the forest service shall:

10 (IV) CONDUCT, OR CONTRACT WITH ONE OR MORE ENTITIES TO
11 CONDUCT, ONE OR MORE DEMONSTRATION ___ PROJECTS THAT UTILIZE
12 COLORADO'S GOOD NEIGHBOR AUTHORITY WITH THE UNITED STATES
13 FOREST SERVICE TO IMPLEMENT FOREST MANAGEMENT TREATMENTS THAT
14 IMPROVE FOREST HEALTH AND RESILIENCE AND SUPPLY FOREST PRODUCTS
15 TO COLORADO BUSINESSES. IN OVERSEEING A ___ PROJECT, THE FOREST
16 SERVICE SHALL:

17 (A) USE A COLLABORATIVE APPROACH;

1 (B) LEVERAGE STATE RESOURCES TO ACCOMPLISH WORK ACROSS
2 LAND OWNERSHIP BOUNDARIES IN ORDER TO TREAT MORE ACRES AT
3 REDUCED COST;

4 (C) TARGET A COLORADO WATERSHED TO IMPLEMENT FOREST
5 MANAGEMENT TREATMENTS THAT WILL PROTECT AND ENHANCE FOREST
6 RESILIENCE, REDUCE THE POTENTIAL FOR CATASTROPHIC WILDFIRE,
7 SALVAGE INSECT- AND DISEASE-IMPACTED TREES, AND PROVIDE FOREST
8 PRODUCTS FOR BUSINESSES IN COLORADO; AND

9 (D) CONSIDER LOCATIONS THAT HAVE ALREADY BEEN SUBJECT TO
10 REVIEW UNDER THE FEDERAL "NATIONAL ENVIRONMENTAL POLICY ACT
11 OF 1969", 42 U.S.C. SEC. 4321 ET SEQ., INCLUDING THE ALPINE PLATEAU
12 IN GUNNISON COUNTY AND AREAS IN THE GRAND MESA, UNCOMPAHGRE,
13 AND GUNNISON NATIONAL FORESTS THAT ARE SUBJECT TO THE SPRUCE
14 BEETLE EPIDEMIC AND ASPEN DECLINE DRAFT ENVIRONMENTAL IMPACT
15 STATEMENT.

16 (b) (I) The forest service may use up to one million dollars
17 annually until July 1, 2017, from the forest restoration program cash fund
18 created in section 23-31-310 (8.5) for the purpose of complying with this
19 subsection (6), OF WHICH AT LEAST TWO HUNDRED THOUSAND DOLLARS
20 SHALL BE USED TO IMPLEMENT SUBPARAGRAPH (IV) OF PARAGRAPH (a) OF
21 THIS SUBSECTION (6).

22 (9) **Improved outreach and technical assistance.** In order to
23 ensure that the forest service has the capacity to deliver key funding and
24 technical assistance that will be needed to guide and support
25 implementation of wildfire preparedness, risk mitigation, watershed
26 restoration, and economic development initiatives in a way that adds
27 value to these efforts at the state level and across community boundaries,

1 the forest service shall:

2 (a) Secure full-time temporary staff for developing, revising, and
3 implementing CWPPs; developing and implementing risk mitigation and
4 watershed restoration plans; strengthening the responsible use of
5 prescribed fire; and supporting economically beneficial uses of woody
6 biomass;

7 (b) Secure sufficient GIS capacity to assist with wildfire, insect,
8 and disease risk assessments, as well as landscape-scale prioritization and
9 planning; and emphasize making data available to and usable by local
10 entities and other interested parties, including any electric, gas, and water
11 utilities in the affected area; ~~and~~

12 (c) Develop a web-based clearinghouse for technical assistance
13 and funding resources relevant to the initiatives established in this
14 section; AND

15 (d) (I) IN CONJUNCTION WITH THE COLORADO WATER
16 CONSERVATION BOARD, COMPILE AND SUMMARIZE FINDINGS FROM
17 EXISTING STUDIES TO QUANTIFY AND DOCUMENT THE RELATIONSHIP
18 BETWEEN THE STATE WATER PLAN ADOPTED PURSUANT TO SECTION
19 37-60-106 (1) (u), C.R.S., AND THE IMPORTANCE OF FOREST
20 MANAGEMENT IN PROTECTING AND MANAGING COLORADO'S WATER
21 RESOURCES. THE COLORADO STATE FOREST SERVICE AND THE BOARD
22 SHALL ENGAGE ADDITIONAL EXPERTISE AS THEY DEEM NECESSARY. THE
23 COMPILATION MUST INCLUDE A SUMMARY OF: _____

24 (A) THE POTENTIAL COSTS TO AND EFFECTS ON WATERSHEDS,
25 COMMUNITIES, WATER USERS, AND INFRASTRUCTURE IF APPROPRIATE
26 FOREST MANAGEMENT DOES NOT OCCUR AND A FORESTED AREA BURNS;
27 AND

1 (B) THE POTENTIAL BENEFITS OF COMPLETING FOREST
2 MANAGEMENT TREATMENTS.

3 (II) THE BOARD SHALL SUBMIT A REPORT CONTAINING THE
4 RESULTS OF THE COMPILATION TO THE GENERAL ASSEMBLY'S COMMITTEES
5 WITH JURISDICTION OVER NATURAL RESOURCES BY JULY 1, 2017.

6 (III) THIS PARAGRAPH (d) IS REPEALED, EFFECTIVE SEPTEMBER 1,
7 2018.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 23-31-316 as
9 follows:

10 **23-31-316. Forest health advisory council - repeal.** (1) THERE
11 IS HEREBY CREATED WITHIN THE COLORADO STATE FOREST SERVICE THE
12 FOREST HEALTH ADVISORY COUNCIL TO PROVIDE A COLLABORATIVE
13 FORUM TO ADVISE THE STATE FORESTER ON A BROAD RANGE OF ISSUES,
14 OPPORTUNITIES, AND THREATS WITH REGARD TO COLORADO'S FORESTS.
15 THE COUNCIL CONSISTS OF THE FOLLOWING TWENTY-FOUR MEMBERS:

16 (a) EIGHT MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

17 (I) THE STATE FORESTER, WHO IS THE CHAIR OF THE COUNCIL;

18 (II) A SENIOR-LEVEL EXECUTIVE BRANCH POLICY ADVISOR ON
19 WATER OR NATURAL RESOURCES;

20 (III) TWO MEMBERS WHO ARE EMPLOYED BY OR ASSOCIATED WITH
21 AN ENVIRONMENTAL ORGANIZATION;

22 (IV) TWO MEMBERS WHO OWN OR ARE EMPLOYED BY A WOOD
23 PRODUCTS BUSINESS;

24 (V) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A
25 WILDLIFE ORGANIZATION; AND

26 (VI) ONE MEMBER WHO IS A SCIENTIST OR IS EMPLOYED IN A
27 SCIENTIFIC RESEARCH POSITION;

1 (b) FOUR MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
2 REPRESENTATIVES AS FOLLOWS:

3 (I) TWO COUNTY COMMISSIONERS, ONE OF WHOM MUST REPRESENT
4 A COUNTY WEST OF THE CONTINENTAL DIVIDE AND BOTH OF WHOM MUST
5 BE SELECTED FROM A LIST PROVIDED BY A STATEWIDE ASSOCIATION OF
6 COUNTIES; AND

7 (II) TWO MEMBERS WHO ARE EMPLOYED BY A PUBLIC UTILITY
8 THAT OWNS OR OPERATES TRANSMISSION FACILITIES;

9 (c) FOUR MEMBERS APPOINTED BY THE MINORITY LEADER OF THE
10 HOUSE OF REPRESENTATIVES AS FOLLOWS:

11 (I) ONE MEMBER WHO OWNS A RANCH;

12 (II) ONE MEMBER WHO IS A FIRE CHIEF;

13 (III) ONE MEMBER WHO IS AN ENROLLED MEMBER OF A TRIBE THAT
14 HAS A RESERVATION WITHIN COLORADO; AND

15 (IV) ONE MEMBER WHO IS EMPLOYED BY AN INSURANCE
16 COMPANY;

17 (d) FOUR MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE
18 AS FOLLOWS:

19 (I) TWO MEMBERS WHO ARE EMPLOYED BY A MUNICIPAL DRINKING
20 WATER SUPPLIER;

21 (II) ONE MEMBER WHO IS EMPLOYED BY AN IRRIGATION WATER
22 SUPPLIER; AND

23 (III) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A
24 CONSERVATION ORGANIZATION;

25 (e) FOUR MEMBERS APPOINTED BY THE MINORITY LEADER OF THE
26 SENATE AS FOLLOWS:

27 (I) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH AN

1 ECONOMIC DEVELOPMENT ORGANIZATION;

2 (II) ONE MEMBER WHO IS EMPLOYED BY OR ASSOCIATED WITH A
3 SPORTSMAN ORGANIZATION; AND

4 (III) TWO MEMBERS WHO ARE EMPLOYED BY OR ASSOCIATED WITH
5 RECREATION ADVOCACY ORGANIZATIONS, OF WHICH ONE ORGANIZATION
6 MUST ADVOCATE FOR MOTORIZED RECREATION AND ONE ORGANIZATION
7 MUST ADVOCATE FOR NONMOTORIZED RECREATION.

8 (2) THE TERM OF EACH COUNCIL MEMBER IS FIVE YEARS; EXCEPT
9 THAT:

10 (a) ON AND AFTER SEPTEMBER 1, 2021, THE TERM OF EACH
11 COUNCIL MEMBER IS FOUR YEARS; AND

12 (b) THE INITIAL TERMS OF HALF OF THE MEMBERS SPECIFIED IN
13 PARAGRAPHS (b), (c), (d), AND (e) OF SUBSECTION (1) OF THIS SECTION
14 ARE TWO YEARS, AS SPECIFIED BY THE CORRESPONDING APPOINTING
15 AUTHORITY.

16 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.
17 BEFORE ITS REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
18 ACCORDANCE WITH SECTION 2-3-1203, C.R.S.

19 **SECTION 3.** In Colorado Revised Statutes, 2-3-1203, **add** (3)
20 (hh.5) (II) as follows:

21 **2-3-1203. Sunset review of advisory committees.** (3) The
22 following dates are the dates on which the statutory authorization for the
23 designated advisory committee is scheduled for repeal:

24 (hh.5) September 1, 2021:

25 (II) THE FOREST HEALTH ADVISORY COUNCIL CREATED IN SECTION
26 23-31-316, C.R.S.;

27 **SECTION 4. Applicability.** This act applies to conduct occurring

1 on or after the effective date of this act.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.