

First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
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BILL 9

LLS NO. 09-0129.01 Jason Gelender

INTERIM COMMITTEE BILL

**Interim Committee on Wildfire Issues
in Wild Land-Urban Interface Areas**

SHORT TITLE: "High Risk Wildfire Mitigation Grants"

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A HIGH-RISK COMMUNITIES WILDFIRE**
102 **MITIGATION GRANT PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Interim Committee on Wildfire Issues in Wild Land-Urban Interface Areas. Creates the high-risk communities wildfire mitigation grant program (program). Creates the high-risk communities wildfire mitigation grant program fund (fund). Appropriates specified amounts from the general fund to the fund for the 2008-09 through 2012-13 fiscal years, and requires all fund investment earnings to be credited to the fund. Continuously appropriates the fund to the Colorado state forest service

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

(forest service) for expenditure only for high-risk communities wildfire mitigation grants subject to an exception that allows the forest service to expend up to a specified percentage of each annual appropriation to share the costs of developing community wildfire protection plans.

Requires the forest service to develop and implement the program and provide high-risk communities wildfire mitigation grants from the fund to local governments, the state, fire protection districts, agencies thereof, and, in the sole discretion of the forest service, homeowners' associations for the purpose of funding nonemergency preventive wildfire mitigation measures. Specifies minimum matching requirements for grant recipients, and only allows grants for wildfire mitigation measures that are located in wild land-urban interface areas and that have been identified in a community wildfire protection plan. Requires the forest service to annually report to the general assembly regarding the program. Repeals the program on a specified date.

Defines terms.

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

2 **SECTION 1.** Part 3 of article 31 of title 23, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **23-31-309.5. High-risk communities wildfire mitigation grant**
6 **program - short title - definitions - creation of high-risk communities**
7 **wildfire mitigation grant program fund - use of fund - repeal.**

8 (1) **Short title.** THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
9 THE "HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANT PROGRAM
10 ACT".

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

13 (a) "COMMUNITY WILDFIRE PROTECTION PLAN" MEANS A PLAN
14 APPROVED BY LOCAL GOVERNMENT ENTITIES, LOCAL FIRE DEPARTMENTS,
15 AND THE FOREST SERVICE THAT MEETS THE DEFINITION OF A COMMUNITY
16 WILDFIRE PROTECTION PLAN IN THE FEDERAL "HEALTHY FORESTS

1 RESTORATION ACT OF 2003", PUB.L. 108-148, AND MEETS THE MINIMUM
2 REQUIREMENTS OF COLLABORATION BY LOCAL AND STATE GOVERNMENT
3 REPRESENTATIVES WITH CONSULTATION BY FEDERAL AGENCIES AND
4 OTHER INTERESTED PARTIES, PRIORITIZED FUEL REDUCTION AREAS WITH
5 IDENTIFIED TYPES OF TREATMENTS, AND TREATMENT OF STRUCTURAL
6 IGNITABILITY WITH RECOMMENDATIONS TO REDUCE IGNITABILITY.

7 (b) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
8 SERVICE IDENTIFIED IN SECTION 23-31-302.

9 (c) "FUND" MEANS THE HIGH-RISK COMMUNITIES WILDFIRE
10 MITIGATION GRANT PROGRAM FUND CREATED IN SUBSECTION (3) OF THIS
11 SECTION.

12 (d) "WILDFIRE MITIGATION MEASURES" MEANS NONEMERGENCY
13 PREVENTIVE PROJECTS OR ACTIONS, WHICH MEET OR EXCEED FOREST
14 SERVICE STANDARDS OR ANY OTHER APPLICABLE STATE RULES, THAT ARE
15 DESIGNED TO REDUCE THE AMOUNT OF DAMAGE CAUSED BY WILDFIRES,
16 INCLUDING:

17 (I) THE CREATION OF A DEFENSIBLE SPACE AROUND STRUCTURES;

18 (II) THE ESTABLISHMENT OF FUEL BREAKS;

19 (III) THE THINNING OF WOODY VEGETATION FOR THE PRIMARY
20 PURPOSE OF REDUCING RISK TO STRUCTURES FROM WILD LAND FIRE;

21 (IV) THE SECONDARY TREATMENT OF WOODY FUELS BY LOPPING
22 AND SCATTERING, PILING, CHIPPING, REMOVING FROM THE SITE, OR
23 PRESCRIBED BURNING; AND

24 (V) OTHER NONEMERGENCY PREVENTIVE ACTIVITIES DESIGNED TO
25 REDUCE THE AMOUNT OF DAMAGE CAUSED BY WILDFIRES THAT THE
26 FOREST SERVICE MAY DEEM TO BE WILDFIRE MITIGATION MEASURES.

27 (3) **High-risk communities wildfire mitigation grant program**

1 **fund.** (a) THE HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANT
2 PROGRAM FUND IS HEREBY CREATED IN THE STATE TREASURY. THE
3 GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS FROM THE GENERAL
4 FUND TO THE FUND AS FOLLOWS:

- 5 (I) TEN MILLION DOLLARS FOR THE 2008-09 FISCAL YEAR;
- 6 (II) TEN MILLION DOLLARS FOR THE 2009-10 FISCAL YEAR;
- 7 (III) TEN MILLION DOLLARS FOR THE 2010-11 FISCAL YEAR;
- 8 (IV) TEN MILLION DOLLARS FOR THE 2011-12 FISCAL YEAR; AND
- 9 (V) TEN MILLION DOLLARS FOR THE 2012-13 FISCAL YEAR.

10 (b) ALL MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED
11 TO THE FOREST SERVICE, WHICH MAY EXPEND SUCH MONEYS ONLY FOR
12 HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANTS AWARDED
13 PURSUANT TO SUBSECTION (4) OF THIS SECTION; EXCEPT THAT THE FOREST
14 SERVICE MAY EXPEND UP TO TWO PERCENT OF EACH ANNUAL
15 APPROPRIATION TO SHARE THE COSTS OF DEVELOPING COMMUNITY
16 WILDFIRE PROTECTION PLANS. THE FOREST SERVICE MAY SEEK AND
17 ACCEPT GIFTS, GRANTS, REIMBURSEMENTS, OR DONATIONS FROM PRIVATE
18 OR PUBLIC SOURCES AND CREDIT THE SAME TO THE FUND. ALL INTEREST
19 AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS
20 IN THE FUND SHALL BE CREDITED TO THE FUND. UNEXPENDED AND
21 UNENCUMBERED MONEYS IN THE FUND AT THE END OF ANY FISCAL YEAR
22 SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR
23 CREDITED TO THE GENERAL FUND OR ANY OTHER FUND. UNEXPENDED
24 MONEYS IN THE FUND ON JULY 1, 2013, SHALL BE TRANSFERRED TO THE
25 GENERAL FUND.

26 **(4) High-risk communities wildfire mitigation grant program.**

27 (a) THE FOREST SERVICE SHALL DEVELOP AND IMPLEMENT A PROGRAM TO

1 PROVIDE HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANTS FROM
2 THE FUND TO LOCAL GOVERNMENTS, THE STATE, FIRE PROTECTION
3 DISTRICTS, AGENCIES THEREOF, AND, IN THE SOLE DISCRETION OF THE
4 FOREST SERVICE, HOMEOWNERS' ASSOCIATIONS FOR THE PURPOSE OF
5 FUNDING WILDFIRE MITIGATION MEASURES. A WILDFIRE MITIGATION
6 MEASURE OR UNIFIED PACKAGE OF WILDFIRE MITIGATION MEASURES
7 SHALL BE ELIGIBLE FOR A GRANT ONLY IF:

8 (I) THE MEASURE OR MEASURES WILL BE TAKEN IN A WILD
9 LAND-URBAN INTERFACE AREA AND HAVE BEEN IDENTIFIED IN A
10 COMMUNITY WILDFIRE PROTECTION PLAN ADOPTED BY A LOCAL
11 GOVERNMENT WITHIN THE INTERFACE AREA THAT MEETS THE MINIMUM
12 CRITERIA AND STANDARDS OF THE FOREST SERVICE; AND

13 (II) THE GRANT RECIPIENT OR RECIPIENTS AGREE TO COVER AT
14 LEAST TWENTY-FIVE PERCENT OF THE TOTAL COST OF THE MEASURE OR
15 MEASURES THROUGH CASH CONTRIBUTIONS, IN-KIND CONTRIBUTIONS,
16 INCLUDING BUT NOT LIMITED TO LOCALLY-PROVIDED LABOR, OR BOTH.

17 (b) THE FOREST SERVICE MAY SPECIFY ANY GRANT APPLICATION
18 PROCEDURES, ADDITIONAL GRANT ELIGIBILITY REQUIREMENTS, OR GRANT
19 PRIORITIZATION CRITERIA THAT IT DEEMS APPROPRIATE AND THAT ARE
20 NOT INCONSISTENT WITH THE PROVISIONS OF THIS SECTION. THE FOREST
21 SERVICE SHALL PUBLISH ANY SUCH PROCEDURES, REQUIREMENTS, OR
22 CRITERIA, INCLUDING ANY METRICS THAT MAY BE USED TO HELP THE
23 FOREST SERVICE PRIORITIZE GRANTS, ON ITS INTERNET WEB SITE.

24 (5) **Report.** NO LATER THAN JANUARY 15, 2010, AND NO LATER
25 THAN EACH JANUARY 15 THEREAFTER THROUGH JANUARY 15, 2013, THE
26 FOREST SERVICE SHALL REPORT TO THE AGRICULTURE, LIVESTOCK, AND
27 NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES

1 AND THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE
2 OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, REGARDING THE
3 HIGH-RISK COMMUNITIES WILDFIRE MITIGATION GRANT PROGRAM. THE
4 REPORT SHALL INCLUDE A DESCRIPTION OF EACH GRANT AWARDED THAT
5 IDENTIFIES THE GRANT RECIPIENT OR RECIPIENTS, THE AMOUNT OF THE
6 GRANT, THE AMOUNT OF MATCHING CONTRIBUTIONS PROVIDED BY THE
7 GRANT RECIPIENT OR RECIPIENTS, AND THE WILDFIRE MITIGATION
8 MEASURE OR MEASURES FUNDED BY THE GRANT. THE REPORT SHALL ALSO
9 INCLUDE AN OVERALL ASSESSMENT OF THE PROGRAM, INCLUDING BUT NOT
10 LIMITED TO AN ASSESSMENT OF THE EXTENT TO WHICH WILDFIRE
11 MITIGATION MEASURES FUNDED HAVE REDUCED OR ARE EXPECTED TO
12 REDUCE THE AMOUNT OF DAMAGE CAUSED BY WILDFIRES AND THE EXTENT
13 TO WHICH ANY ADDITIONAL FUNDING FOR SUCH MEASURES MAY BE
14 NEEDED.

15 (6) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

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