



FOREST HEALTH AND RESTORATION

by Raegan Robb

There are approximately 24.4 million acres of public and private forests and woodlands in Colorado. The primary factors influencing forest conditions are insects, disease, fire, people, weather, climate change, and the significant age of various types of forests. In addition to these factors, Colorado forests have experienced a series of significant ecological events over the past decade, including severe droughts, destructive fire seasons, and ongoing epidemics of invasive species such as the bark beetle.

Between 2001 and 2009, Colorado's forests experienced several large-scale bark beetle infestations that are expected to result in tree mortality rates of 90 percent. These infestations have already impacted approximately 2.1 million acres of Colorado forests, according to 2008 estimates by the United States Forest Service (USFS).

Additionally, Colorado's growing population is creating more wildland-urban interface (WUI) where homes and other human structures interface with undeveloped wildland or vegetative fuels. According to the Colorado State Forest Service (CSFS), WUI areas will increase by nearly 300 percent between 2000 and 2030.

This issue brief provides a summary of legislative measures that were passed by the Colorado General Assembly during the 2009 legislative session to mitigate threats from wildland fires; improve forest health and community wildfire protection; protect watersheds and the public water supply; and promote the harvest, removal, and use of beetle-killed timber.

The majority of these measures were recommended by the Interim Committee on Wildfire Issues in Wildland-urban Interface Areas, which met during the 2008 interim.

Funding Forest Health and Wildfire Mitigation

[House Bill 09-1199](#) creates the Colorado Healthy Forests and Vibrant Communities Act of 2009 and the Healthy Forests and Vibrant Communities Fund. The bill addresses the risk of wildfire in Colorado, the development of community wildfire protection plans, and the risk of wildfire to life, property, and infrastructure in the state.

The bill specifically directs the CSFS to:

- support long-term ecological restoration for the public water supply and high-quality wildlife habits through the implementation and monitoring of forest restoration pilot programs;
- administer a revolving loan fund to support local business development and job creation involving woody biomass utilization and marketing timber products; and
- implement the Wildfire Risk Mitigation Loan Program to provide start-up capital for new facilities or equipment to harvest beetle-killed or other timber taken for wildfire risk reduction or fuels mitigation treatment.

The legislation also provides up to \$2.5 million annually from FY 2009-10 to FY 2011-12.

Specifically, the legislation:

- transfers \$1.95 million annually from the operational account of the Severance Tax Trust Fund to the Healthy Forests and Vibrant Communities Fund. This transfer was amended by [Senate Bill 09-293](#) to \$1.45 million to be allocated for:
 - ▶ reducing community wildfire risks;
 - ▶ supporting wildfire preparedness;
 - ▶ supporting watershed restoration; and
 - ▶ providing economic development incentives related to woody biomass utilization.
- transfers \$50,000 annually from the operational account to the Wildland-Urban Interface Training Fund to provide wildfire training to directors of fire protection districts and to fighters;
- allows the CSFS to use up to \$1 million annually from the Forest Restoration Pilot Program Cash Fund for wildfire risk mitigation and support of long-term ecological restoration; and
- authorizes the Governor to make a one-time transfer of up to \$600,000 from the Disaster Emergency Fund to the Wildfire Emergency Response Fund to support immediate wildfire emergency resources.

Under [Senate Bill 09-105](#), a statutory limit on the amount that a county can raise by a special property tax for the purpose of fighting both forest and prairie fires was removed. The current limit on the amount that may be raised is 1 mill or \$500,000 per year, whichever is less. Under the bill, county voters would have to approve the higher tax rate.

Land Management

Several new measures addressed land management for wildfire mitigation. [Senate Bill 09-001](#) requires the state forester to establish guidelines for community wildfire protection plans (CWPPs) that must be considered by counties developing a CWPP. These guidelines are developed with input from local, state, and federal entities, and other interested parties to assist counties in their plans for identifying and mitigating regional fire hazards.

Local government agreements. The primary responsibilities for the management of wildland fires by local and state entities is addressed under [Senate Bill 09-020](#), which establishes a unified command structure. The bill requires the first emergency response agency to act as incident command and control a wildland fire or to protect life or property until the emergency response agency with jurisdiction over the incident site arrives. The bill clarifies that county sheriffs are responsible for the fire suppression efforts in unincorporated areas, and provides for the transfer of authority from a fire chief to the county sheriff to coordinate fire suppression efforts for any prairie, forest, or wildland fire that exceeds the capabilities of a fire district. The bill also encourages cooperation between the sheriff, fire chiefs, and the board of county commissioners should a county choose to adopt a CWPP for the unincorporated area of the county.

While, some local governments currently have intergovernmental agreements (IGAs) between a local government and a county to mitigate wildland fires, [House Bill 09-1162](#) requires an IGA for any local government that owns land inside the territorial boundaries of a county that is at least 50 percent forest land. Local governments are not required to enter into an IGA if an existing agreement, including a mutual aid agreement, satisfies the requirements of the bill and was in place when the act went into effect on August 4, 2009. Additionally, the act allows state agencies to enter into a contract, to allow fire mitigation on state property with personnel and equipment under the control of a fire department.

Federal stewardship contracts. Approximately 68 percent of Colorado forests are under federal ownership, with the primary landholders being the USFS — 47 percent — and the Bureau of Land Management (BLM) — 17 percent. The USFS and BLM implement federal stewardship contracting as a cost-effective tool to subsidize various land management objectives. Stewardship contracts provide a broad range of natural resource management activities used to improve, maintain, or restore forest or rangeland, restore or maintain water quality, improve fish and wildlife habitat, and reduce hazardous fuels. [Senate Joint Resolution 09-015](#) provides directives from the General Assembly concerning stewardship contracting for forest health.