

106TH CONGRESS
2D SESSION

H. R. 5098

To provide incentives for collaborative forest restoration and wildland fire hazard mitigation projects on National Forest System land and other public and private lands in Colorado, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. UDALL of Colorado (for himself and Mr. HEFLEY) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide incentives for collaborative forest restoration and wildland fire hazard mitigation projects on National Forest System land and other public and private lands in Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Colorado Forest Res-
5 toration and Fire Reduction Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) More than a century of intensive fire sup-
2 pression, logging, livestock grazing, and urban devel-
3 opment has altered the ecological dynamic of Colo-
4 rado’s forests.

5 (2) Much of Colorado’s 26,000,000 acres of for-
6 est land consists of dense young ponderosa pine and
7 Douglas fir stands characterized by small diameter
8 trees and excessive fuel buildups on the forest floor.

9 (3) These unnaturally crowded forests generally
10 contain a large number of stressed unhealthy trees
11 susceptible to catastrophic wildland fires and other
12 risks. Such conditions reduce biodiversity, provide
13 fewer benefits to human communities, wildlife, and
14 watersheds, and pose a tremendous risk to both
15 human and natural resources.

16 (4) Risk to human life and property is greatly
17 increased along Colorado’s Front Range where rap-
18 idly expanding urban populations are increasingly
19 intermingled with forested wildlands.

20 (5) Nearly 1,000,000 people currently live with-
21 in Colorado’s Red Zone, an area characterized by
22 6,300,000 acres of forest land at high risk for cata-
23 strophic wildfire. Over 400 rural and volunteer fire
24 departments provide initial attack and frontline pro-
25 tection in the complex and hazardous landscapes.

1 (6) A severe wildfire on Colorado’s highly erod-
2 ible soils can result in disastrous flood events and
3 sediment deposition if the fire is followed by heavy
4 rains. This combination of events poses a particular
5 threat to the water supply for metropolitan Denver
6 and the State’s other Front Range cities.

7 (7) Healthy and productive forested watersheds
8 minimize the threat of large, high-intensity wildfires,
9 provide abundant and diverse wildlife habitat, and
10 produce a variety of timber and nontimber products,
11 including better quality water and increased water
12 flows.

13 (8) Restoration efforts are more successful
14 when there is involvement from Federal and State
15 land managers as well as neighboring communities
16 and interested stakeholders, when projects are
17 prioritized in high-risk areas where watershed health
18 and human lives and property are threatened, and
19 when both decisions and implementation activities
20 are carried out across ownership boundaries.

21 (9) Designing demonstration restoration
22 projects through a collaborative approach may—

23 (A) lead to the development of cost-effec-
24 tive restoration activities;

1 (B) empower diverse organizations to im-
2 plement activities which value local and tradi-
3 tional knowledge;

4 (C) build ownership and civic pride; and

5 (D) ensure healthy, diverse, and productive
6 forests and watersheds.

7 **SEC. 3. PURPOSES.**

8 The purposes of this Act are as follows:

9 (1) To promote healthy watersheds and reduce
10 the threat of large, high-intensity wildfires in the
11 forests of Colorado.

12 (2) To reduce the risk to human life and prop-
13 erty, including that of fire protection personnel, in
14 Colorado's red zone.

15 (3) To improve the functioning of forest eco-
16 systems and enhance plant and wildlife biodiversity
17 by reducing the unnaturally high number and den-
18 sity of small diameter trees on Federal, tribal, State,
19 county, private, and municipal forest lands.

20 (4) To improve communication and joint prob-
21 lem solving among Federal, State, and local land
22 managers, as well as other individuals and groups
23 who are interested in restoring the diversity of for-
24 ested watersheds in Colorado.

1 (5) To improve the use of, or add value to,
2 small diameter trees.

3 (6) To encourage sustainable communities and
4 sustainable forests through collaborative partner-
5 ships focused on forest restoration and hazard re-
6 duction.

7 (7) To develop, demonstrate, and evaluate eco-
8 logically sound forest restoration techniques.

9 **SEC. 4. DEFINITIONS.**

10 For the purposes of this Act the following definitions
11 apply:

12 (1) **SECRETARY.**—The term “Secretary” means
13 the Secretary of Agriculture, acting through the
14 Chief of the Forest Service.

15 (2) **RED ZONE.**—The term “red zone” means
16 the lands so identified on the map entitled “Inter-
17 face Areas of High Forest Fire Risk in Colorado”,
18 dated July 2000.

19 (3) **STAKEHOLDER.**—The term “stakeholder”
20 includes forest landowners, local communities and
21 political leaders, tribal governments, conservation or-
22 ganizations, educational institutions, and other in-
23 terested public and private entities.

1 **SEC. 5. ESTABLISHMENT OF PROGRAM.**

2 (a) COOPERATIVE FOREST PROTECTION AND RES-
3 TORATION PROGRAM.—The Secretary shall establish a co-
4 operative forest protection and restoration program in Col-
5 orado in order to provide cost-share grants to stakeholders
6 for forest restoration projects that are designed through
7 a collaborative process (hereinafter in this Act referred to
8 as the “Collaborative Forest Protection and Restoration
9 Program”). The projects may be entirely on, or involve
10 any combination of, Federal, tribal, State, county, private,
11 or other municipal forest lands in the red zone, except
12 lands within the National Wilderness Preservation Sys-
13 tem. Prioritization, decisionmaking, and implementation
14 of approved projects should be on a cross-boundary, land-
15 scape-scale basis with both State and Federal land man-
16 agers able to act as agents of the other. The cost-share
17 grants shall be administered by the State Forester, in co-
18 operation with the Forest Service as established by the
19 Cooperative Forestry Assistance Act of 1978. The Federal
20 share of an individual project cost shall not exceed 80 per-
21 cent of the total cost. The 20 percent matching may be
22 in the form of cash or in-kind contributions.

23 (b) ELIGIBILITY REQUIREMENTS.—To be eligible to
24 receive funding under this Act, a project shall accomplish
25 the following:

26 (1) Address the following objectives:

1 (A) Reduce the threat of large, high-inten-
2 sity wildfires in the wildland-urban interface
3 and the negative effects of excessive competition
4 between trees by restoring ecosystem functions,
5 structures, and species composition, including
6 the reduction of nonnative species populations.

7 (B) Reestablish fire regimes approximating
8 those that shaped forest ecosystems prior to in-
9 tensive fire suppression.

10 (C) Improve the ability of State and local
11 fire departments to safely and effectively pro-
12 vide initial attack in the wildland-urban inter-
13 face.

14 (D) Preserve old trees and trees with a di-
15 ameter of 12 inches or more.

16 (E) Preserve roadless areas.

17 (F) Mitigate areas at high risk for flood,
18 erosion, or sediment damage following a
19 wildland fire, rehabilitate areas that have expe-
20 rienced such fire-related damage, or both.

21 (G) Improve the use of, or add value to,
22 small diameter trees.

23 (2) Comply with all Federal and State environ-
24 mental laws.

1 (3) Prioritize restoration and hazard reduction
2 activities which can be conducted across ownership
3 boundaries for the benefit of a larger landscape or
4 watershed.

5 (4) Include a diverse and balanced group of
6 stakeholders as well as appropriate Federal, tribal,
7 State, county, and municipal government representa-
8 tives in the design, implementation, and monitoring
9 of the project.

10 (5) Incorporate current scientific forest restora-
11 tion information.

12 (6) Include a multiparty assessment to—

13 (A) identify both the existing ecological
14 condition of the proposed project area and the
15 desired future condition; and

16 (B) report, upon project completion, on the
17 positive or negative impact and effectiveness of
18 the project.

19 (7) Create local employment or training oppor-
20 tunities within the context of accomplishing restora-
21 tion objectives that are consistent with the purposes
22 of this Act.

23 (8) Leverage Federal funding through in-kind
24 or matching contributions.

1 (9) Include an agreement by each stakeholder
2 to attend an annual workshop with other stake-
3 holders for the purpose of discussing the cooperative
4 forest restoration program and projects implemented
5 under this Act. The Secretary shall coordinate and
6 fund the annual workshop. Stakeholders may use
7 funding for projects authorized under this Act to
8 pay for their travel and per diem expenses to attend
9 the workshop.

10 **SEC. 6. SELECTION PROCESS.**

11 (a) DETERMINATION OF PROJECT FUNDING PRIOR-
12 ITIES.—Prior to the selection of projects, the State For-
13 ester and Regional Forester shall meet with the technical
14 advisory panel established in subsection (c) to determine
15 priorities for project funding.

16 (b) SELECTION OF PROPOSALS TO BE FUNDED.—
17 After consulting with the technical advisory panel, the
18 State Forester and the Regional Forester shall jointly rec-
19 ommend to the Secretary priority projects for funding.
20 The Secretary shall then select the proposals that will re-
21 ceive funding through the Collaborative Forest Protection
22 and Restoration Program.

23 (c) TECHNICAL ADVISORY PANEL.—The Secretary
24 shall convene a technical advisory panel, to be jointly ad-
25 ministered by the State Forester and the Regional For-

1 ester, for the purpose of setting protection and restoration
2 priorities, evaluating all projects proposed for forest res-
3 toration grants, and providing recommendations regarding
4 which proposals would best meet the objectives of the Col-
5 laborative Forest Protection and Restoration Program.
6 The technical advisory panel shall be composed of 10 to
7 13 members to be recommended by the State Forester and
8 Regional Forester and appointed by the Secretary as fol-
9 lows:

10 (1) A State Natural Resource official from the
11 State of Colorado.

12 (2) At least two representatives from Federal
13 land management agencies.

14 (3) At least one tribal representative.

15 (4) At least one representative of the State's
16 local and volunteer fire departments.

17 (5) At least two independent scientists with ex-
18 perience in forest ecosystem restoration.

19 (6) An equal number of representatives from
20 each of the following:

21 (A) Conservation interests.

22 (B) Local communities.

23 (C) Commodity interests.

1 **SEC. 7. MONITORING AND EVALUATION.**

2 The Secretary shall establish a multiparty monitoring
3 and evaluation process in order to assess the cumulative
4 accomplishments or adverse impacts of the Collaborative
5 Forest Protection and Restoration Program. The Sec-
6 retary shall include any interested individual or organiza-
7 tion in the monitoring and evaluation process. The Sec-
8 retary also shall conduct a monitoring program to assess
9 the short- and long-term ecological effects of the restora-
10 tion treatments, if any, for a minimum of 15 years.

11 **SEC. 8. REPORT.**

12 Not later than five years after the first fiscal year
13 in which funding is made available for this program, the
14 Secretary shall submit a report to the Committee on En-
15 ergy and Natural Resources of the Senate and the Com-
16 mittee on Resources of the House of Representatives. The
17 report shall include an assessment on whether, and to
18 what extent, the projects funded pursuant to this Act are
19 meeting the purposes of the Collaborative Forest Protec-
20 tion and Restoration Program.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated \$5,000,000
23 annually to carry out this Act.

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