

109TH CONGRESS  
2D SESSION

# H. R. 5305

To address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2006

Mrs. MUSGRAVE (for herself and Mr. BEAUPREZ) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Agriculture, Energy and Commerce, and Transportation and Infrastructure, 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

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## A BILL

To address the forest and watershed emergency in the State of Colorado that has been exacerbated by the bark beetle infestation, to provide for the conduct of activities in the State to reduce the risk of wildfire and flooding, to promote economically healthy rural communities by reinvigorating the forest products industry in the State, to encourage the use of biomass fuels for energy, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Headwaters Protection and Restoration Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Measures to address forest and watershed emergencies in Colorado.
- Sec. 5. Response to emergency events on public land in Colorado.
- Sec. 6. Availability and use of emergency event procedures.
- Sec. 7. Measures to improve the long-term health of the forests.
- Sec. 8. Assistance to communities and private landowners.
- Sec. 9. Reports.
- Sec. 10. Authorization of appropriations.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the vast natural resources of the State of  
9 Colorado are threatened by the serious risk of cata-  
10 strophic wildfire, subsequent flooding, and destruc-  
11 tion of, or damage to, watersheds posed by the  
12 1,500,000 acres of trees that have been killed by  
13 bark beetles and the additional 6,300,000 acres of  
14 hazardous fuels that have accumulated over the 20  
15 years preceding the date of enactment of this Act;

16 (2) well over ½ of the 14,500,000 acres of na-  
17 tional forest land in the State is at increased risk of  
18 catastrophic wildfire;

19 (3) the risk is greatly compounded by several  
20 years of drought and the fact that the most serious  
21 bark beetle infestations include 3 of the 4 major wa-

1       tersheds in the State, which poses a grave threat to  
2       communities and the mountain reservoirs that sup-  
3       ply the drinking water of the State;

4           (4) threats to the watersheds of the State could  
5       translate to problems in other Western States down-  
6       stream;

7           (5) Colorado could be called “the Headwaters  
8       State”, because the State is the origin point of  
9       major rivers flowing both east and west and the  
10      source of a vast amount of the water of the United  
11      States;

12          (6) the Colorado Rocky Mountains create the  
13      headwaters for 4 regional watersheds that eventually  
14      supply water to approximately 19 Western States;

15          (7) the State has already experienced major  
16      damage to municipal water reservoirs from repeated  
17      flooding and watershed damage and destruction  
18      after catastrophic wildfires that have cost hundreds  
19      of millions of dollars;

20          (8) in addition to the risk to public health and  
21      safety, the economic health of the State is threat-  
22      ened by the loss of healthy green forests, which are  
23      essential to the mountain tourism industry of the  
24      State;

1           (9) the Federal agencies that manage the ma-  
2           jority of the affected land need to adopt an acceler-  
3           ated pace to reduce the public health and safety risk  
4           as soon as possible;

5           (10) additional funds are necessary to accom-  
6           plish the needed work, but merely increasing funding  
7           would not address the larger problem facing the  
8           State, which is the lack of necessary forest product  
9           industry to adequately handle the amount and vari-  
10          ety of material requiring removal from the forests;

11          (11) the long years of reduced harvesting and  
12          thinning of forests in the State have led to a precipi-  
13          tous decline in forest businesses to the extent that  
14          there are very few forest businesses remaining in the  
15          State that have the infrastructure and ability to  
16          process the varied forest products that result when  
17          harvesting does occur;

18          (12) although the State has an ample potential  
19          supply of wood and a high demand for sawn wood  
20          products, the State actually imports more than 90  
21          percent of its timber and wood products;

22          (13) the reliance on imported timber and wood  
23          products is directly related to the lack of a con-  
24          sistent supply of raw material from national forests,  
25          losses in mill locations, and the decline in processing

1 facilities, especially for post and pole size material,  
2 in the State;

3 (14) the absence of an adequate market for  
4 small diameter materials and wood chips is a serious  
5 problem as the need to thin forests of hazardous fuel  
6 grows across the State;

7 (15) steady, judicious, and effective forest man-  
8 agement over time is a much better and more cost  
9 effective strategy than dealing with the management  
10 of catastrophic events under emergency cir-  
11 cumstances;

12 (16) in the few years preceding the date of en-  
13 actment of this Act, 3 major Colorado fires cost the  
14 Federal Government \$125,000,000 for suppression  
15 and emergency restoration actions, not including the  
16 value of destroyed timber, habitat loss, and dev-  
17 astated landscapes and destruction of private prop-  
18 erty;

19 (17) additional benefits of sound forestry man-  
20 agement include—

21 (A) reducing the magnitude of the crisis  
22 during the next bark beetle epidemic;

23 (B) creating a market sufficient to provide  
24 jobs in rural areas; and

1 (C) reducing the amount of wood imported  
2 into the State; and

3 (18) to address the immediate crisis and the  
4 longer-term need for more effective forest manage-  
5 ment in the State, it is necessary to—

6 (A) provide financial assistance;

7 (B) assure a sustained harvest of forest  
8 products;

9 (C) establish a self-sustaining Forest  
10 Health Fund for the State;

11 (D) reestablish adequate forest processing  
12 infrastructure in the State;

13 (E) develop a diversified forest products  
14 market and encourage woody biomass industry  
15 to supply a reliable source of renewable energy;  
16 and

17 (F) encourage the woody biomass industry  
18 to supply a reliable source of renewable energy  
19 by removing a requirement for a full permit re-  
20 view that is a disincentive for power companies  
21 that may want to switch to cogeneration using  
22 woody biomass.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1           (1) AT-RISK COMMUNITY.—The term “at-risk  
2       community” has the meaning given the term in sec-  
3       tion 101 of the Healthy Forests Restoration Act of  
4       2003 (16 U.S.C. 6511).

5           (2) EMERGENCY EVENT.—The term “emer-  
6       gency event” means any drought, insect or disease  
7       outbreak, natural disaster (such as a landslide,  
8       mudslide, tornado, windstorm, snow or ice storm,  
9       rain storm, high water, or wind-driven water), or  
10      any fire, flood, or explosion, regardless of cause, that  
11      the Secretary concerned determines has caused or  
12      will cause damage of significant severity and mag-  
13      nitude to Federal land or adjacent non-Federal land.

14          (3) EMERGENCY EVENT PROCEDURES.—The  
15      term “emergency event procedures” means any pro-  
16      cedures that as, determined by the Secretary con-  
17      cerned under section 6, may be employed to facili-  
18      tate the response to emergency events on Federal  
19      land or adjacent non-Federal land in the State dur-  
20      ing the period of fiscal years 2007 through 2011.

21          (4) FUND.—The term “Fund” means the Colo-  
22      rado Forest Health Fund established by section  
23      7(c)(1).

24          (5) INDIAN TRIBE.—The term “Indian tribe”  
25      has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 450b).

3 (6) MUNICIPAL WATER SUPPLY SYSTEM.—The  
4 term “municipal water supply system” has the  
5 meaning given the term in section 101 of the  
6 Healthy Forests Restoration Act of 2003 (16 U.S.C.  
7 6511).

8 (7) SECRETARY CONCERNED.—The term “Sec-  
9 retary concerned” means—

10 (A) with respect to National Forest Sys-  
11 tem land, the Secretary of Agriculture—

12 (i) acting through the Forest Super-  
13 visor of the applicable unit of the National  
14 Forest System for the purposes of sections  
15 5 and 6; and

16 (ii) acting through the Chief of the  
17 Forest Service for the purposes of any  
18 other section; and

19 (B) with respect to land managed by the  
20 Bureau of Land Management (including land  
21 held for the benefit of an Indian tribe), the Na-  
22 tional Park Service, or the United States Fish  
23 and Wildlife Service, the Secretary of the Inte-  
24 rior.



1           (8) SMALL BUSINESS CONCERN.—The term  
 2           “small business concern” has the meaning given the  
 3           term in section 3 of the Small Business Act (15  
 4           U.S.C. 632).

5           (9) STATE.—The term “State” means the State  
 6           of Colorado.

7           (10) WILDLAND-URBAN INTERFACE.—The term  
 8           “wildland-urban interface” has the meaning given  
 9           the term in section 101 of the Healthy Forests Res-  
 10          toration Act of 2003 (16 U.S.C. 6511).

11 **SEC. 4. MEASURES TO ADDRESS FOREST AND WATERSHED**  
 12 **EMERGENCIES IN COLORADO.**

13          (a) EMERGENCY EVENT PROCEDURES.—During the  
 14          period of fiscal years 2007 through 2011, in response to  
 15          watershed and forest emergencies, the Secretary con-  
 16          cerned shall consider the use of the emergency event pro-  
 17          cedures for the State in accordance with sections 5 and  
 18          6.

19          (b) HAZARDOUS FUEL REDUCTION AND BARK BEE-  
 20          TLE RESPONSE PROJECTS.—The Secretary concerned  
 21          may carry out projects in the State to—

22                (1) reduce hazardous fuels; or

23                (2) prevent the spread of bark beetles to adja-  
 24          cent trees that are in danger of being infested.

1 **SEC. 5. RESPONSE TO EMERGENCY EVENTS ON PUBLIC**  
2 **LAND IN COLORADO.**

3 (a) EMERGENCY EVENT PROPOSALS.—With respect  
4 to each emergency event, the Secretary concerned may—

5 (1) prepare an emergency event proposal that  
6 contains proposed projects to respond to the emer-  
7 gency event; or

8 (2) receive and consider a similarly-prepared  
9 proposal from—

10 (A) the Governor of the State;

11 (B) the State Forester;

12 (C) a Water Conservation District; or

13 (D) an at-risk community.

14 (b) EMERGENCY EVENT EVALUATIONS.—

15 (1) IN GENERAL.—The Secretary concerned  
16 may conduct an emergency event evaluation in re-  
17 sponse to—

18 (A) an emergency event that—

19 (i) may require emergency event pro-  
20 cedures; and

21 (ii) affects—

22 (I) a municipal water supply sys-  
23 tem;

24 (II) a wildland-urban interface;

25 or

1 (III) other public or private prop-  
2 erty that the Secretary concerned de-  
3 termines has caused or will cause  
4 damage of significant severity and  
5 magnitude to Federal land or adjacent  
6 non-Federal land; or

7 (B) a request for an emergency event eval-  
8 uation for an affected area described in sub-  
9 paragraph (A)(ii) from 1 of the entities de-  
10 scribed in subsection (a)(2)(B).

11 (2) NOTIFICATION.—Concurrently, upon initi-  
12 ating the emergency event evaluation under para-  
13 graph (1), the Secretary shall notify—

14 (A) affected public agencies;

15 (B) affected local governments and enti-  
16 ties;

17 (C) affected communities;

18 (D) affected water conservation districts;

19 and

20 (E) other affected parties.

21 (c) DETERMINATION.—

22 (1) IN GENERAL.—For each emergency event  
23 evaluation conducted under subsection (b)(1), the  
24 Secretary concerned shall make a determination of  
25 whether a project proposed under subsection (a)

1 should be developed and carried out using emergency  
2 event procedures.

3 (2) CONSIDERATIONS.—In making a determina-  
4 tion under paragraph (1), the Secretary concerned  
5 shall consider, at a minimum, the following:

6 (A) The necessity of promptly responding  
7 to the emergency event.

8 (B) The threat to public health and safety.

9 (C) The threat to municipal water sup-  
10 plies.

11 (D) The likelihood of substantial loss of  
12 adjacent private and public property or other  
13 substantial economic losses.

14 (3) PRIORITY.—In making a determination  
15 under paragraph (1), the Secretary concerned shall  
16 give priority to projects in or adjacent to an area  
17 that is covered by a completed community wildfire  
18 protection plan.

19 (4) DEADLINE.—Not later than 30 days after  
20 the date on which the Secretary concerned deter-  
21 mines that an emergency event evaluation should be  
22 conducted, the Secretary concerned shall—

23 (A) complete the emergency event evalua-  
24 tion; and

25 (B) issue a determination.

1           (5) NOTIFICATION.—On issuance of a deter-  
2           mination under paragraph (4)(B), the Secretary  
3           concerned shall simultaneously provide notice of the  
4           determination to—

5                       (A) affected public agencies;

6                       (B) affected local governments and enti-  
7           ties;

8                       (C) affected communities;

9                       (D) affected water conservation districts;

10          and

11                      (E) other affected parties.

12          (d) RELATION TO APPEALS REFORM ACT.—Section  
13          105 of the Healthy Forests Restoration Act of 2003 (16  
14          U.S.C. 6515) is amended by adding at the end the fol-  
15          lowing:

16          “(d) RELATION TO APPEALS REFORM.—Nothing in  
17          section 322 of the Department of the Interior and Related  
18          Agencies Appropriations Act, 1999 (Public Law 102-381;  
19          16 U.S.C. 1612 note) shall be construed to require admin-  
20          istrative review procedures different from, or in addition  
21          to, the procedures established by regulations issued pursu-  
22          ant to this section and section 6 of the Headwaters Protec-  
23          tion and Restoration Act for administrative review of an  
24          authorized emergency event project carried out in the  
25          State of Colorado during fiscal years 2007 through 2011

1 in accordance with the Headwaters Protection and Res-  
2 toration Act.”.

3 **SEC. 6. AVAILABILITY AND USE OF EMERGENCY EVENT**  
4 **PROCEDURES.**

5 (a) REQUIREMENTS.—

6 (1) IN GENERAL.—If the Secretary concerned  
7 determines under section 5(c) to use emergency  
8 event procedures for a project, the Secretary shall  
9 develop and carry out the project in accordance with  
10 this section.

11 (2) APPLICABLE LAW.—Except as otherwise  
12 provided in this Act, the Secretary concerned shall  
13 comply with the National Environmental Policy Act  
14 of 1969 (42 U.S.C. 4331 et seq.), any regulations  
15 promulgated to carry out that Act, and other appli-  
16 cable laws in designing and conducting emergency  
17 event projects.

18 (3) LIMITED CONSIDERATION OF ALTER-  
19 NATIVES.—If the Secretary concerned determines  
20 under section 5(c)(1) to use emergency event proce-  
21 dures to conduct a project proposed under section  
22 5(a), the Secretary concerned is not required to  
23 study, develop, or analyze any alternatives other  
24 than the proposed agency action and the alternative  
25 of no action in designing the project.

1 (b) REQUIRED CONSULTATION.—

2 (1) COMPLIANCE WITH ENDANGERED SPECIES  
3 ACT OF 1973.—

4 (A) IN GENERAL.—Except as otherwise  
5 provided in this Act, the Secretary concerned  
6 shall comply with section 7 of the Endangered  
7 Species Act of 1973 (16 U.S.C. 1536) in car-  
8 rying out this Act.

9 (B) DEADLINE FOR COMPLETION.—If the  
10 consultation required under this paragraph is  
11 not completed by the date on which the decision  
12 document is issued under subsection (c), the ap-  
13 plicable biological assessment from the land  
14 management agency shall be considered to be  
15 sufficient for the purposes of section 7 of the  
16 Endangered Species Act of 1973 (16 U.S.C.  
17 1536).

18 (2) OTHER REQUIRED CONSULTATION.—

19 (A) IN GENERAL.—Any consultation re-  
20 quired under any other laws, such as the Na-  
21 tional Historic Preservation Act (16 U.S.C. 470  
22 et seq.), may proceed simultaneously with the  
23 design of an emergency event project, or por-  
24 tion of an emergency event project, for which

1 emergency event procedures under this section  
2 are used.

3 (B) INCORPORATION.—To the extent fea-  
4 sible, practicable, and consistent with the re-  
5 sponse objectives of an emergency event project,  
6 the results of any consultation required under  
7 subparagraph (A) shall be immediately incor-  
8 porated into the emergency event project.

9 (c) ISSUANCE OF DECISION DOCUMENT.—Not later  
10 than 90 days after the date on which the Secretary con-  
11 cerned makes a determination under section 5(c)(1) to de-  
12 velop and carry out an emergency event project, or portion  
13 of an emergency event project, using emergency event pro-  
14 cedures, the Secretary concerned shall—

15 (1) complete the emergency event procedures  
16 for that emergency event project, or a portion of the  
17 emergency event project, under this section; and

18 (2) issue a concise decision document that con-  
19 tains the rationale for the agency decision.

20 (d) IMPLEMENTATION.—The Secretary concerned  
21 shall implement the emergency event procedures as soon  
22 as practicable after the issuance of the decision document  
23 under subsection (c), subject only to the availability of  
24 funds for the emergency event procedures.



1 (e) LIMITATIONS ON TREATMENTS.—For the pur-  
 2 poses of responding to 1 or more of the events described  
 3 in section 5(b), treatment of stands carried out as part  
 4 of a project for which emergency event procedures are au-  
 5 thorized under this section shall be limited to—

6 (1) reducing hazardous fuels; or

7 (2) preventing the spread of bark beetles to ad-  
 8 jacent trees that are in danger of being infested.

9 **SEC. 7. MEASURES TO IMPROVE THE LONG-TERM HEALTH**  
 10 **OF THE FORESTS.**

11 (a) PROGRAM.—

12 (1) IN GENERAL.—The Secretary concerned, in  
 13 cooperation with the Colorado State Forester, shall  
 14 carry out a program in the State to—

15 (A) ensure the long-term health of forests  
 16 in the State; and

17 (B) reduce the risk of catastrophic fire,  
 18 flooding, and watershed destruction.

19 (2) REQUIREMENTS.—Under the program, the  
 20 Secretary concerned, in cooperation with the Colo-  
 21 rado State Forester and other applicable State agen-  
 22 cies, shall, at a minimum—

23 (A) assess priorities in the State for use of  
 24 10-year stewardship contracts to initiate revital-  
 25 ization of the forest product industry; and

1 (B) otherwise cooperate with the Colorado  
2 State Forest Service and the forest products in-  
3 dustry in Colorado to assist in the development  
4 of new markets and marketing of the forest  
5 products industry.

6 (b) FINANCIAL ASSISTANCE FOR STEWARDSHIP  
7 PROJECTS AND SMALL BUSINESSES.—The Secretary con-  
8 cerned shall—

9 (1) consistently use authority under the  
10 Healthy Forests Restoration Act of 2003 (16 U.S.C.  
11 6501 et seq.), stewardship contracts, and other long-  
12 term contracts to ensure a sustained supply of raw  
13 wood materials in the State;

14 (2) provide financial assistance for the upfront  
15 costs of long-term stewardship projects in areas in  
16 which timber values do not provide for recovery  
17 costs; and

18 (3) provide grants and low-cost loans to eligible  
19 small business concerns in the forest product indus-  
20 try in the State for the costs of start-up activities,  
21 converting equipment, and modifying facilities to en-  
22 able the small business concerns to use wood from  
23 forests in the State.

24 (c) FOREST HEALTH FUND.—

1           (1) ESTABLISHMENT.—There is established in  
2           the Treasury of the United States a fund, to be  
3           known as the “Colorado Forest Health Fund”, con-  
4           sisting of—

5                   (A) such amounts as are appropriated to  
6           the Fund under paragraph (2) or any other  
7           law; and

8                   (B) any interest earned on investment of  
9           amounts in the Fund under paragraph (3).

10          (2) TRANSFERS TO FUND.—Notwithstanding  
11          any other provision of law, beginning in fiscal year  
12          2007 and each fiscal year thereafter, there are ap-  
13          propriated to the Fund an amount equal to 50 per-  
14          cent of the proceeds from the Forest Service sales  
15          of timber in the State.

16          (3) EXPENDITURES FROM FUND.—On request  
17          by the Secretary of Agriculture, the Secretary of the  
18          Treasury shall transfer from the Fund to the Sec-  
19          retary of Agriculture such amounts as the Secretary  
20          of Agriculture determines are necessary to carry out  
21          measures to improve forest health and reduce haz-  
22          ardous fuels in the State.

23          (4) INVESTMENT OF AMOUNTS.—

24                   (A) IN GENERAL.—The Secretary of the  
25          Treasury shall invest such portion of the Fund

1 as is not, in the judgment of the Secretary of  
2 the Treasury, required to meet current with-  
3 draws.

4 (B) INTEREST-BEARING OBLIGATIONS.—  
5 Investments may be made only in interest-bear-  
6 ing obligations of the United States.

7 (C) ACQUISITION OF OBLIGATIONS.—For  
8 the purpose of investments under subparagraph  
9 (A), obligations may be acquired—

10 (i) on original issue at the issue price;

11 or

12 (ii) by purchase of outstanding obliga-  
13 tions at the market price.

14 (D) SALE OF OBLIGATIONS.—Any obliga-  
15 tion acquired by the Fund may be sold by the  
16 Secretary of the Treasury at the market price.

17 (E) CREDITS TO FUND.—The interest on,  
18 and the proceeds from the sale or redemption  
19 of, any obligations held in the Fund shall be  
20 credited to and form a part of the Fund.

21 (5) TRANSFERS OF AMOUNTS.—

22 (A) IN GENERAL.—The amounts required  
23 to be transferred to the Fund under this section  
24 shall be transferred at least monthly from the  
25 general fund of the Treasury to the Fund on

1 the basis of estimates made by the Secretary of  
2 the Treasury.

3 (B) ADJUSTMENTS.—Proper adjustment  
4 shall be made in amounts subsequently trans-  
5 ferred, to the extent prior estimates were in ex-  
6 cess of or less than, the amounts required to be  
7 transferred.

8 (d) RESEARCH.—To improve the long-term health of  
9 forests in the State, the Secretary of Agriculture shall—  
10 (1) provide financial assistance in the form of  
11 grants to—

12 (A) the Colorado Wood Program of Colo-  
13 rado State University for the conduct of re-  
14 search and development and marketing of forest  
15 products;

16 (B) the Forest Restoration Institute at  
17 Colorado State University, including assistance  
18 for the conduct of research in higher elevation  
19 forests; and

20 (C) any other entities that the Secretary of  
21 Agriculture determines to be appropriate; and

22 (2) acting through the Rocky Mountain Re-  
23 search Station, collaborate with the Forest Restora-  
24 tion Institute at Colorado State University in the  
25 conduct of research on and the development and

1 transfer of broader landscape treatment strategies  
2 and ways to integrate best science with community  
3 needs.

4 (e) AIR PERMIT REVISION EXEMPTION.—Section  
5 504 of the Clean Air Act (42 U.S.C. 7661c) is amended  
6 by adding at the end the following:

7 “(g) REVISIONS.—Notwithstanding the regulations  
8 promulgated under section 502(b)(10), if a permittee  
9 seeks to use renewable forest biomass to supplement the  
10 energy sources authorized under the permit—

11 “(1) revision and review of the entire permit  
12 shall not be required; and

13 “(2) any review and revision of the permit shall  
14 be limited to consideration of the new use.”.

15 (f) PERMANENT AUTHORITY FOR FEDERAL AND  
16 STATE COOPERATIVE RESTORATION AND PROTECTION IN  
17 COLORADO.—Section 331 of the Department of the Inte-  
18 rior and Related Agencies Appropriations Act, 2001 (114  
19 Stat. 996; 118 Stat. 3102) is amended by striking sub-  
20 section (e).

21 **SEC. 8. ASSISTANCE TO COMMUNITIES AND PRIVATE LAND-**  
22 **OWNERS.**

23 (a) COST-SHARE GRANT PROGRAM FOR PRIVATE  
24 LANDOWNERS.—

1           (1) IN GENERAL.—The Secretary of Agriculture  
2       shall provide to the Colorado State Forest Service fi-  
3       nancial assistance under the Community and Private  
4       Land Fire Assistance Program established under  
5       section 10A of the Cooperative Forestry Assistance  
6       Act of 1978 (16 U.S.C. 2106c) to establish a grant  
7       program in accordance with paragraph (2).

8           (2) REQUIREMENTS.—As a condition of receiv-  
9       ing funds under paragraph (1), the Colorado State  
10      Forest Service shall establish a grant program under  
11      which any private landowner in the State may apply  
12      to the Colorado State Forest Service for a grant on  
13      a cost-share basis to improve forest health conditions  
14      on the land of the private landowner, including con-  
15      ditions relating to insects, diseases, and hazardous  
16      fuels.

17          (3) COST SHARE REQUIREMENT.—A private  
18      landowner applying for a grant under paragraph (2)  
19      shall agree to provide 50 percent of the cost of the  
20      grant.

21          (4) PRIORITIZATION.—Priority shall be given to  
22      grant applications from private landowners in areas  
23      that have completed community wildfire protection  
24      plans.

1 (b) GRANTS FOR THE COLORADO FUELS FOR  
2 SCHOOLS.—The Secretary of Agriculture shall provide  
3 grants to the State for the Colorado Fuels for Schools pro-  
4 gram under section 210 of the Energy Policy Act of 2005  
5 (42 U.S.C. 15855)—

6 (1) to conduct studies at eligible schools in  
7 rural communities to determine the feasibility of in-  
8 stalling and operating biomass boilers at the schools  
9 and other public buildings; and

10 (2) to assist eligible schools and other public  
11 buildings in rural communities in the installation  
12 and operation of biomass boilers.

13 **SEC. 9. REPORTS.**

14 The Secretary concerned shall submit to Congress a  
15 report on the implementation of sections 4(c) and 6 not  
16 later than November 30, 2007, May 31, 2008, and each  
17 November 30 and May 31 thereafter through 2011.

18 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to carry out  
20 this Act for the period of fiscal years 2007 through 2011,  
21 \$227,000,000, of which—

22 (1) \$150,000,000 shall be made available to the  
23 Secretary of Agriculture to carry out sections 4(b)  
24 and 6;



1           (2) \$12,000,000 shall be made available to the  
2       Secretary of the Interior to carry out sections 4(b)  
3       and 6;

4           (3) \$2,500,000 shall be made available to the  
5       Secretary of Agriculture to carry out section 5;

6           (4) \$500,000 shall be made available to the  
7       Secretary of the Interior to carry out section 5;

8           (5) \$2,000,000 shall be made available for the  
9       conduct of assessments under section 7(a)(2)(A);

10          (6) \$10,000,000 shall be made available for as-  
11       sistance under section 7(b)(2);

12          (7) \$5,000,000 shall be made available for  
13       grants under section 7(b)(3);

14          (8) \$4,000,000 shall be made available for low-  
15       cost loans under section 7(b)(3);

16          (9) \$5,000,000 shall be made available to pro-  
17       vide assistance under section 7(d)(1)(A);

18          (10) \$3,000,000 shall be made available to pro-  
19       vide assistance to the Forest Restoration Institute at  
20       Colorado State University under section 7(d)(1)(B);

21          (11) \$2,000,000 shall be made available to pro-  
22       vide grants under section 7(d)(1)(C);

23          (12) \$3,000,000 shall be made available to  
24       carry out section 7(d)(2);

1           (13) \$15,000,000 shall be made available for  
2       assistance under section 8(a); and

3           (14) \$10,000,000 shall be made available for  
4       grants under section 8(b).

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