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AN ACT

RELATING TO NATURAL RESOURCES; AMENDING SECTIONS OF THE FOREST AND WATERSHED RESTORATION ACT; PROVIDING DEFINITIONS; MAKING PROJECTS TO CREATE OR MAINTAIN BUFFERS IN AND AROUND WILDLAND-URBAN INTERFACES ELIGIBLE FOR FUNDING FROM THE FOREST LAND PROTECTION REVOLVING FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 68-4-2 NMSA 1978 (being Laws 2019, Chapter 62, Section 2) is amended to read:

"68-4-2. DEFINITIONS.--As used in the Forest and Watershed Restoration Act:

A. "board" means the forest and watershed advisory board;

B. "buffer" means an area treated to reduce wildfire fuel in order to act as a barrier between properties to limit and halt the spread of wildfire and provide a safe zone for firefighters to engage with wildfires;

C. "division" means the forestry division of the energy, minerals and natural resources department;

D. "high-risk area" means an area having a high probability of wildfire that is likely to spread to projects, structures or wildland-urban interfaces;

E. "project" means:

(1) a large-scale forest and watershed

1 restoration project on any lands in the state that:

2 (a) increases the adaptability and
3 resilience to recurring drought and extreme weather events of
4 the state's forests and watersheds;

5 (b) protects water sources;

6 (c) reduces the risk of wildfire,
7 including planning for watershed conservation; or

8 (d) restores burned areas or thins
9 forests and includes a related economic or workforce
10 development project or a wildlife conservation or habitat
11 improvement project; or

12 (2) a project that creates or maintains a
13 buffer in or around a wildland-urban interface;

14 F. "sponsor" means a federal, state or local
15 government agency, tribal entity, corporation or organization
16 that applies for a project or is conducting a project in
17 conjunction with the division;

18 G. "structure" means a constructed object,
19 including residential or commercial buildings and
20 outbuildings such as barns and sheds; and

21 H. "wildland-urban interface" means the area, line
22 or zone where structures and other human development meet or
23 intermingle with undeveloped wildland or vegetation fuels."

24 **SECTION 2.** Section 68-4-5 NMSA 1978 (being Laws 2019,
25 Chapter 62, Section 5) is amended to read:

1 "68-4-5. USE OF FOREST LAND PROTECTION REVOLVING
2 FUND--PROJECT EVALUATION AND PRIORITIZATION.--

3 A. Money in the forest land protection revolving
4 fund may be used to administer and carry out the purposes of
5 the Forest and Watershed Restoration Act and to fund projects
6 authorized by the division on any lands in the state for:

7 (1) on-the-ground restoration projects;
8 (2) project planning;
9 (3) economic development programs to advance
10 the use of small-diameter trees and wood biomass removed for
11 hazardous fuel reduction and forest and watershed
12 restoration; or

13 (4) workforce development for wood
14 utilization projects.

15 B. A project is eligible for funding:

16 (1) if the project is for a public benefit
17 and:

18 (a) is part of a current state forest
19 and watershed health plan or forest action plan, a community
20 wildfire protection plan, other comprehensive forest and
21 watershed treatment plan or wildlife conservation or habitat
22 improvement plan approved by the board;

23 (b) incorporates actions recommended by
24 current plans or, where new plans are developed, seeks to
25 integrate forest, fire and water management with community

1 and economic development plans;

2 (c) protects watersheds that are the
3 source of drinking or irrigation water;

4 (d) targets a high-risk area;

5 (e) will create or maintain a buffer in
6 or around a wildland-urban interface; or

7 (f) has obtained all requisite state
8 and federal permits and authorizations necessary to initiate
9 the project, if the project is other than a planning project;
10 and

11 (2) when a project meets the requirements of
12 Paragraph (1) of this subsection and includes treatment of
13 private lands and the division makes a written determination
14 that the incidental benefit to a private landowner is
15 outweighed by the fire reduction or watershed restoration
16 benefits to the state.

17 C. A project that is eligible for funding in
18 accordance with Subsection B of this section shall be given
19 priority for funding by the division if the project:

20 (1) leverages federal, state, local, tribal
21 or private sources and, if available, support from other
22 public or private water, forest, fire, wildlife habitat or
23 economic development programs;

24 (2) is in an area:

25 (a) with a wood supply that can be used

1 as biomass for energy production;

2 (b) where small-diameter trees may be
3 put to commercial use; or

4 (c) where traditional forest products
5 may be produced;

6 (3) is clustered around priority areas that
7 are able to supply a useful amount of wood products for
8 industry;

9 (4) creates incentives to increase
10 investment by federal, state, local, tribal or private
11 entities, including investment by downstream water users to
12 manage forested headwaters and water sources; or

13 (5) is identified by the board as a
14 high-risk area.”

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