

Wildfire Matters Review Committee

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December 2018

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To Members of the Seventy-second General Assembly:

Submitted herewith is the final report of the Wildfire Matters Review Committee. This committee was created pursuant to Part 16 of Article 3 of Title 2, Colorado Revised Statutes. The purpose of this committee is to oversee and review the prevention, mitigation, and financing of wildfire matters in Colorado.

At its meeting on October 15, 2018, the Legislative Council reviewed the report of this committee. A motion to forward this report and three of the bills therein for consideration in the 2019 session was approved.

Sincerely,

/s/ Representative Crisanta Duran
Chair

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This report is also available online at:

<https://leg.colorado.gov/committees/wildfire-matters-review-committee/2018-regular-session>

Committee Charge

Pursuant to Section 2-3-1602, C.R.S., the committee is charged with reviewing and proposing legislation or other policy changes related to wildfire prevention, mitigation, and related matters, including public safety and forest health issues. In passing Senate Bill 13-082, which created the Wildfire Matters Review Committee, the General Assembly intended for the committee to be a permanent interim committee through which the General Assembly reviews state policies and resources addressing wildfire prevention and mitigation and the successful implementation and execution of such policies. During the 2018 legislative session, the General Assembly passed Senate Bill 18-039, which extended the repeal date of the committee to September 1, 2025.

Committee Activities

The committee held four meetings during the 2018 interim. Briefings and presentations covered a wide range of subjects, including aerial firefighting and wildfire response, forest management and wildfire mitigation, local fire districts and the Gallagher Amendment, homeowners' insurance in the wildland-urban interface, and economic recovery after wildfires. Presentations were made by members of the public and by the following entities:

- Colorado Counties, Inc.;
- the Colorado Resiliency Office;
- the Colorado State Fire Chiefs;
- the Colorado State Forest Service (CSFS), including the Forest Health Advisory Council;
- the Colorado Timber Industry Association;
- County Sheriffs of Colorado;
- the Division of Fire Prevention and Control (DFPC), including the Center of Excellence for Advanced Technology Aerial Firefighting (COE);
- the Division of Insurance;
- the Nature Conservancy;
- the Property Casualty Insurance Association of America;
- the Rio Grande Watershed Emergency Action Coordination Team;
- the Rocky Mountain Insurance Information Association;
- Tri-State Generation & Transmission Association and Xcel Energy;
- the U.S. Forest Service (USFS); and
- county commissioners and chamber of commerce representatives from Southwest Colorado.

The following sections discuss the committee's activities during the 2018 interim.

Aerial Firefighting and Wildfire Response

The committee heard from the DFPC about state efforts to respond to wildfires. The County Sheriffs of Colorado told the committee about county response. The COE, within DFPC, provided information about ongoing research projects, including work to effectively use drones and unmanned aerial systems in firefighting. DFPC also provided recommendations from its working groups and presented its strategic plan for supporting Colorado's fire agencies.

Committee recommendations. As a result of its discussions, the committee recommends Bill A, which concerns private unmanned aircraft systems that may interfere with aerial firefighting.

Forest Management and Wildfire Mitigation

The committee heard from the CSFS and the USFS about managing the state's forests. The Nature Conservancy, the Colorado Timber Industry Association, and utilities operating in Colorado also testified to the committee about their mitigation efforts. The committee learned about the Rio Grande Watershed Emergency Action Coordination Team and the Forest Health Advisory Council, within CSFS, and their work in preparing for and preventing wildfire damage.

Committee recommendations. As a result of its discussions, the committee recommends Bill B, which concerns measures to mitigate the effect of wildfires within wildland-urban interface areas, and creates a state grant program to promote forest management fuels reduction projects in such areas.

Local Fire Districts and the Gallagher Amendment

The Colorado State Fire Chiefs told the committee about their concerns with the Gallagher Amendment, particularly the negative effect that falling residential assessment rates have on property tax revenue in fire districts and for other local governments. The committee also heard updates from staff on the work of the Alternatives to the Gallagher Amendment Interim Study Committee, which met to study this issue.

Homeowners' Insurance in the Wildland-Urban Interface

The state Division of Insurance told the committee about its role in aiding homeowners after wildfires. The Rocky Mountain Insurance Information Association and the Property and Casualty Insurance Association of America presented about insurance coverage of both fire and post-fire flood damage. The committee also learned about insurance incentives for homeowners to mitigate fire risks on their property.

Committee recommendations. As a result of its discussions, the committee recommends Bill B, which concerns measures to mitigate the effect of wildfires within wildland-urban interface areas, and creates a state grant program to promote forest management fuels reduction projects in such areas.

Economic Recovery After Wildfires

The committee heard from the Colorado Resiliency Office about its work with local entities to aid in recovery from natural disasters. Commissioners from La Plata and San Juan Counties, as well as business groups from Durango and Silverton, told the committee about the economic impact of the 416 Fire on their communities. Colorado Counties, Inc., provided information about the impact of the Spring Fire in Huerfano and Costilla Counties.

Other Policy Areas

Representatives from Arapahoe County told the committee during public testimony about their concerns with current law regarding county level fireworks restrictions. In particular, they expressed concern about the requirement that the county pass an ordinance, which is a more time-consuming process for the county than passing a resolution.

The committee also heard from various parties about the need to coordinate among different stakeholders in identifying policy options related to wildfires. Existing groups that provide such coordination include the Forest Health Advisory Council, which advises the State Forester, and informal stakeholder groups that advise the DFPC. DFPC requested the creation of a more formal advisory group to aid in its work.

Committee recommendations. As a result of its discussions with Arapahoe County, the committee recommends Bill D, which concerns the power of a county to restrict the use of fireworks during the period between May 31 and July 5 of any year.

The committee also recommended Bill C, which concerns the establishment of the Colorado Fire Commission, as recommended by DFPC. The bill was not approved by Legislative Council at its meeting on October 15, 2018.

Summary of Recommendations

As a result of the committee's activities, the committee recommended four bills to the Legislative Council for consideration in the 2019 session. At its meeting on October 15, 2018, the Legislative Council approved three recommended bills for introduction. The approved bills are described below.

Bill A — Wildland Fire Airspace Patrol Systems

Subject to available appropriations, Bill A directs the COE to study and, if feasible, implement a system to patrol the airspace above a wildland fire. The patrol system must be capable of determining whether the airspace above wildland fires is clear of obstacles, including private unmanned aircraft systems, that may interfere with aerial firefighting.

Bill B — Wildfire Mitigation Wildland-Urban Interface Areas

This bill creates the Forest Management Fuels Reduction Projects Grant Program, to be overseen by the CSFC. Grants are to be issued by January 1, 2020, for projects that reduce forest fuels, promote forest health, and reduce risk to people and property in the wildland urban interface. Awarded grants cannot exceed \$200,000 per applicant and applicants must demonstrate the availability of matching funds or in-kind contributions. Additionally, preference must be given to applicants in counties that have been identified by the CSFS as being moderate- to high-risk. Grants may be awarded to:

- homeowners associations;
- collective groups of landowners that treat at least 20 acres of contiguous land; or
- new housing developments that are or will be covered by a homeowners association that consists of at least five distinct properties.

The CSFS must report on the grant program annually to the General Assembly by December 1 of the following year, after any year in which one or more grants were awarded.

Bill D — County Fireworks Restrictions July 4th

Under current law, a county may prohibit or restrict by annual ordinance the sale, use, and possession of fireworks in unincorporated areas of the county, except for the period between May 31 and July 5. However, during that period of time, a county may still prohibit or restrict fireworks sale, use, and possession, but must pass an additional ordinance showing a finding of high fire danger. Under Bill D, a county may use a resolution instead of an ordinance to restrict or prohibit fireworks sales, use, and possession during the period between May 31 and July 5. Because a resolution requires a shorter administrative process to enact than an ordinance, Bill D enables counties to be more responsive to changing weather conditions during the period between May 31 and July 5.

Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://leg.colorado.gov/content/committees>

Meeting Date and Topics Discussed

July 10, 2018

- ◆ Overview and information from the Division of Fire Prevention and Control
- ◆ Overview and information from the Colorado State Forest Service
- ◆ Residential assessments and fire protection districts under the Gallagher Amendment
- ◆ Overview of the interim committee bill request process

August 8, 2018

- ◆ Use of drones in fire suppression
- ◆ Overview of the Colorado Resiliency Office
- ◆ Wildfire mitigation and deforestation
- ◆ State of the timber industry in Colorado
- ◆ Homeowner's insurance in the wildland urban interface
- ◆ Federal wildfire mitigation
- ◆ Update on activities of the Alternatives to the Gallagher Amendment Interim Study Committee

August 21, 2018

- ◆ Economic impacts of recent wildfires on local governments and communities
- ◆ Insurance issues related to wildfire
- ◆ Mitigation efforts by utilities
- ◆ Updates from the Colorado State Forest Service
- ◆ Division of Fire Prevention and Control Strategic Plan for Supporting Colorado's Fire Agencies
- ◆ Public testimony
- ◆ Drafting requests for interim committee legislation

October 2, 2018

- ◆ Overview of the role of county sheriffs in fighting wildfires
- ◆ Overview of the Rio Grande Watershed Emergency Action Coordination Team
- ◆ Overview of the Forest Health Advisory Council
- ◆ Public testimony
- ◆ Bill draft approval