

## Report to the Colorado General Assembly

# Wildfire Matters Review Committee

***Prepared by***

***The Colorado Legislative Council***
***Research Publication No. 696***
***December 2017***

*This page intentionally left blank*

# Wildfire Matters Review Committee

## Members of the Committee

Representative KC Becker, Chair
Senator Randy Baumgardner, Vice-Chair

| | |
|---|---|
| Senator John Cooke | Representative Terri Carver |
| Senator Don Coram | Representative Tony Exum, Sr. |
| Senator Matt Jones | Representative Millie Hamner |
| Senator Michael Merrifield | Representative Dan Thurlow |

## Legislative Council Staff

Damion Pechota, Senior Research Analyst
Anna Gerstle, Fiscal Analyst

## Office of Legislative Legal Services

Bob Lackner, Senior Attorney
Kate Meyer, Senior Attorney
Ashley Zimmerman, Senior Legislative Editor

***December 2017***

*This page intentionally left blank*

# COLORADO GENERAL ASSEMBLY

EXECUTIVE COMMITTEE
Sen. Kevin J. Grantham, Chair
Rep. Crisanta Duran, Vice Chair
Sen. Lucia Guzman
Sen. Chris Holbert
Rep. KC Becker
Rep. Patrick Neville

STAFF
Mike Mauer, Director
Cathy Eslinger, Research Manager
Manish Jani, IT Director

COMMITTEE
Sen. Leroy M. Garcia
Sen. Matt Jones
Sen. Andy Kerr
Sen. Vicki Marble
Sen. Ray Scott
Sen. Jerry Sonnenberg
Rep. Perry Buck
Rep. Susan Lontine
Rep. Jovan Melton
Rep. Dan Pabon
Rep. Lori Saine
Rep. Cole Wist

## LEGISLATIVE COUNCIL

ROOM 029 STATE CAPITOL
DENVER, COLORADO 80203-1784
E-mail: lcs.ga@state.co.us
303-866-3521 FAX: 303-866-3855 TDD: 303-866-3472

December 2017

To Members of the Seventy-first General Assembly:

Submitted herewith is the final report of the Wildfire Matters Review Committee. This committee was created pursuant to Senate Bill 13-082. The purpose of this committee is to oversee and review the prevention, mitigation, and financing of wildfire matters in Colorado.

At its meeting on November 15, 2017, the Legislative Council reviewed the report of this committee. A motion to forward this report and the bills therein for consideration in the 2018 session was approved.

Sincerely,

/s/ Senator Kevin J. Grantham
Chairman

*This page intentionally left blank*

# Table of Contents

**Committee Charge ..... 1**

**Committee Activities** ..... 1

Local Wildfire Issues ..... 2

Colorado Forest Health and Timber Products ..... 2

Wildfire Technologies ..... 3

Wildfire Budget ..... 3

**Summary of Recommendations ..... 5**

Bill A — Extend Wildfire Matters Review Committee and Modify Charge ..... 5

Text of Bill A ..... 9

Bill B — Statutory Provisions Extinguish Unattended Fires ..... 5

Text of Bill B ..... 13

Joint Memorial A — Memorialize Congress to Fund Wildfire Response ..... 5

Text of Joint Memorial A ..... 17

**Resource Materials ..... 7**

Meeting Date and Topics Discussed ..... 7

***This report is also available on line at:***

***https://leg.colorado.gov/committees/wildfire-matters-review-committee/2017-regular-session***

*This page intentionally left blank*

## Committee Charge

Pursuant to Senate Bill 13-082, the Wildfire Matters Review 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 addition, the bill transferred to the committee any remaining powers, duties, and responsibilities delegated to the Lower North Fork Wildfire Commission by House Bill 12-1352. In passing SB 13-082, the General Assembly intended for the Wildfire Matters Review 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; the committee sunsets on July 1, 2018.

## Committee Activities

The committee met three times during the 2017 interim and heard presentations from representatives of various entities involved in wildfire prevention, mitigation, and response. These presentations and discussions covered a wide range of topics associated with wildfires, including efforts undertaken by the General Assembly to address wildfire issues in recent years; forest health; air quality; funding needs for various wildfire mitigation and response initiatives, including federal funding; the status of the timber and biomass industries; prescribed burning; wildfire prediction technologies; forest and watershed restoration; and wildfire preparedness and recovery efforts undertaken by local governments. Entities that presented to the committee included:

- the Division of Fire Prevention and Control (DFPC) in the Department of Public Safety;
- the Colorado Department of Public Health and Environment;
- the Colorado Department of Regulatory Agencies;
- the Colorado State Forest Service (CSFS);
- the National Center for Atmospheric Research;
- the Colorado Recovery and Resiliency Collaborative;
- the Nature Conservancy;
- representatives of the forest utilization and biomass industries;
- forest and watershed health experts; and
- local governments.

The committee heard public testimony at the three meetings, and spent time during the meetings undertaking organizational activities and considering draft legislation. Two bills and one resolution were drafted at the request of the committee. The committee ultimately approved two bills and one joint memorial.

The following sections discuss the committee's activities during the 2017 interim.

## Local Wildfire Issues

***Local government mitigation.*** The committee heard from the Colorado Recovery and Resiliency Collaborative, which includes several local governments, about ways to aid local governments during and after natural disasters. Specifically, representatives from Boulder County and Summit County discussed programs in communities in the wildland-urban interface (WUI) areas that have been impacted by recent wildfire events and ways to improve wildfire recovery in the future.

***Insurance related to wildfires.*** The committee heard from the Department of Regulatory Agencies and representatives of the insurance industry regarding insurance issues in WUI areas, such as costs, coverage challenges, and outreach in at-risk areas. In addition, the committee discussed the impact of wildfires on homeowner insurance costs in the state.

## Colorado Forest Health and Timber Products

***Forest health and forest utilization industries.*** The CSFS briefed the committee about forest health and the use of forest biomass products for energy production and agricultural purposes (biochar). Specifically, the density of forests due to the lack of naturally occurring wildfires and proper fire mitigation has increased the severity and dangers associated with wildfires in some areas. The committee discussed the ongoing need to clear vegetation out of forests to reduce fuel loads for catastrophic wildfires, and the opportunity to further involve the biomass and biochar industries.

***Mitigation.*** The Nature Conservancy, CSFS, local governments, and other organizations spoke to the committee about the continued need for prescribed burning and other mitigation treatments, as well as issues related to funding, air quality permits, and coordination.

## Wildfire Technologies

***Wildfire prediction technologies.*** The committee was updated by the DFPC and the National Center for Atmospheric Research regarding the wildfire prediction technology that is being developed as a result of House Bill 15-1129. The bill required the DFPC to contract for the development of the Colorado Wildland Fire Prediction and Decision Support System. The technology is currently in the research and development phase with the goal of providing adequate information to state and local fire managers. The committee requested an update next year on the progress of the system.

## Wildfire Budget

***Wildfire budget process.*** The committee heard presentations from several entities on the budgets and costs associated with wildfire mitigation and suppression. The CSFS provided information on the costs of mitigation programs throughout the state. The DFPC provided information concerning state expenditures for fire suppression. Local governments provided information on the long-term costs associated with wildfire recovery.

The Utah Division of Forestry, Fire and State Lands provided information on an alternative budget process established by the state of Utah for wildfire mitigation and suppression. The program requires local governments to meet certain requirements, including mitigation, while the state is responsible for the suppression of wildfires and all related costs. The committee discussed lessons learned from Utah and the applicability of the program in Colorado.

*This page intentionally left blank*

## Summary of Recommendations

As a result of committee discussion and deliberation, the Wildfire Matters Review Committee recommends the following bills and joint memorial for consideration in the 2018 legislative session:

### Bill A — Extend Wildfire Matters Review Committee and Modify Charge

Under current law, the committee is repealed on July 1, 2018. The bill continues the committee until September 1, 2025, and repeals obsolete provisions related to the committee charge.

### Bill B — Statutory Provisions Extinguish Unattended Fires

The bill changes the penalty for leaving a campfire unattended or failing to extinguish a fire from a class 2 petty offense, punishable by a fine of $50, to a class 3 misdemeanor, punishable by a minimum $50 fine and a maximum of six months in jail or a $750 fine, or both. The bill also removes the requirement that counties post certain notices related to unattended campfires.

### Joint Memorial A — Memorialize Congress to Fund Wildfire Response

The joint memorial requests that Congress fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.

*This page intentionally left blank*

## 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/committees/wildfire-matters-review-committee/2017-regular-session***

**Meeting Date and Topics Discussed**

August 24, 2017

- Overview of state mitigation issues
- Colorado State Forest Service budget overview and fire coordination
- Presentation from the Division of Fire Prevention and Control
- Overview of committee materials and bill request process

September 8, 2017

- Information on prescribed fire and mechanical forest treatments
- U.S. Forest Service funding and permit issues
- Air quality in Colorado
- Presentation by the Division of Insurance
- Presentation from insurance industry representatives
- Utah wildfire program and budget process
- Information on recent legislation
- Interim committee process
- Request for drafting of committee legislation

October 27, 2017

- Update on California wildfires
- Biochar technologies in Colorado
- Colorado and Utah wildfire budget process
- Fire prediction and National Center for Atmospheric Research technology
- Presentation from the Colorado Recovery and Resiliency Collaborative
- Public testimony
- Discussion of draft legislation