

## **Wildfire Matters Review Committee**

### **Members of the Committee**

Senator Ellen Roberts, Chair  
Representative KC Becker, Vice-Chair

Representative Perry Buck	Senator Randy Baumgardner
Representative Millie Hamner	Senator John Cooke
Representative Jonathan Singer	Senator Matt Jones
Representative Dan Thurlow	Senator Mike Merrifield

### **Legislative Council Staff**

Damion Pechota, Research Analyst  
Vanessa Conway, Research Analyst  
Anna Gerstle, Fiscal Analyst

### **Office of Legislative Legal Services**

Bob Lackner, Senior Attorney  
Kate Meyer, Senior Attorney  
Ashley Zimmermann, Senior Legislative Editor  
Cara Meeker, Legislative Editor

*October 2016*

# Wildfire Matters Review Committee

## 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 an 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 took two tours and met twice during the 2016 interim. At the two meetings, the committee heard presentations from, and engaged in discussion with, 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 behavior predictability; forest and watershed restoration; stakeholder legislative recommendations; auxiliary emergency communications; and wildfire preparedness efforts undertaken by local governments. Entities that presented to the committee included:

- the Division of Fire Prevention and Control;
- Colorado State Fire Chiefs;
- the Colorado Department of Public Health and Environment;
- the Colorado Department of Natural Resources;
- the United States Forest Service;
- the Colorado State Forest Service;
- representatives of the forest utilization and biomass industries;
- forest and watershed health experts;
- the Colorado Municipal League;
- Colorado Counties, Inc.; and
- local governments.

The committee heard public testimony at both meetings, and spent time during the meetings undertaking organizational activities and considering draft legislation. Two bills and two resolutions were drafted at the request of the committee. One bill was withdrawn by the members during the drafting process. The committee ultimately approved one bill and two resolutions. Topics covered and recommendations made by the committee are discussed below.

***Forest health and environmental impacts.*** The committee heard from the Colorado State Forest Service (CSFS), timber and biomass industry experts, and forest researchers regarding the health of Colorado's forests. Specifically, the density of forests due to the lack of naturally occurring wildfires and lack of proper fire mitigation has increased the severity and dangers associated with wildfires in some areas. The committee discussed the wildfire risk reduction programs administered by the state. In addition, the committee heard from forest researchers on the projected climate and environmental impact on forest health in Colorado.

***Forest utilization industries and biomass products.*** The committee discussed and heard from representatives of forest utilization industries. Specifically, the committee discussed the use of forest biomass products for energy production and agricultural purposes, also known as biochar. Representatives of the industries spoke about the practice of mitigating forest fires by removing beetle kill and other biomass products from dense forests. In response to these discussions, Resolution A requests that state and federal agencies support the continued use of biochar from Colorado forest biomass products.

***Impact to local governments and private property due to natural disaster.*** The committee discussed forest health and wildfire mitigation at the local level and heard from representatives from local governments throughout the state. Specifically, the committee addressed issues regarding forest management in low-elevation areas and the need to mitigate wildfire risks in the wildland-urban interface (WUI) areas, including programs for homeowners, building codes, and prevention plans. Representatives from local governments discussed the issues and programs in communities in the WUI areas that have been impacted by recent wildfire events.

The committee also discussed issues with private land owners in the WUI area and the financial impact of natural disasters, including wildfires and flooding. In response to these discussions, the committee recommends Bill A, which adds an exception to the principal residence requirements for reverse mortgage borrowers who are unable to live in their home for at least 60 days and fewer than five years due to a natural disaster or incident beyond the borrower's control that made the home uninhabitable.

***Federal support for wildfire suppression.*** The committee heard from representatives of the U.S. Forest Service regarding the federal government's role in wildfire suppression. The committee discussed the current federal funding for wildfire suppression and mitigation. In response to these concerns, Joint Memorial A asks Congress to fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.

***Committee tour of Teller, El Paso, and Pueblo counties.*** The committee took two tours during the 2016 interim. The first tour focused on areas in Teller, El Paso, and Pueblo counties. Specifically, the committee visited the Pike National Forest to understand mitigation efforts near the Woodland Park WUI and the ongoing impacts to the forest environment of past wildfires. The committee also toured an El Paso Emergency Management facility to understand the local response to wildfires.

In addition, the committee visited Pueblo Wood Products, which is a facility that produces biochar and other wood products. Discussions included the commercial uses of biochar and the accessibility of biomass products in Colorado's forests, including on state, federal, and private lands.

**Committee tour of Summit and Eagle counties.** The second tour of the 2016 interim focused on areas in Summit and Eagle counties. Specifically, the committee visited federal mitigation programs near the White River National Forest and Dillon Reservoir to understand efforts to protect watershed health. One federal mitigation program showed the clearing process in the WUI area. The committee also visited a mitigation program outside Vail that is being funded by the local government. In addition, the committee toured a biomass power plant in Gypsum, Colorado, where biomass cleared from forests through mitigation programs is being converted into energy.

## **Committee Recommendations**

---

As a result of committee discussion and deliberation, the Wildfire Matters Review Committee recommends the following bill and two resolutions for consideration in the 2017 legislative session:

**Bill A — Reverse Mortgage Repayment When Home Uninhabitable.** Under current law, the borrower in a reverse mortgage is relieved of the obligation to occupy the subject property as a principle residence if the borrower is temporarily absent for up to 60 days or, if the property is adequately secured, up to one year. The bill adds an additional exception to the principal residence requirement for borrowers who are unable to live in their home for at least 60 days and fewer than five years due to a natural disaster or incident beyond the borrower's control making the home uninhabitable. The bill applies to reverse mortgages for homes that are rendered uninhabitable by a natural disaster occurring on or after the effective date of the bill.

**Resolution A — Support for Use of Biochar.** The resolution requests that state and federal agencies support the continued use of biochar from Colorado forest biomass products.

**Joint Memorial A — End Practice Fire Borrowing.** The resolution requests that Congress fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.