



**Report to the
Colorado General Assembly**

**Wildfire Matters
Review Committee**

Prepared by

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Wildfire Matters Review Committee

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December 2017

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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

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This report is also available on line at:

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

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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.

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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.

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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

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**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

DRAFT

LLS NO. 18-0237.01 Bob Lackner x4350

SENATE BILL

SENATE SPONSORSHIP

Jones and Cooke, Baumgardner, Coram, Merrifield

HOUSE SPONSORSHIP

Thurlow and Exum, Becker K., Carver, Hamner, Singer

Senate Committees

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE WILDFIRE MATTERS REVIEW COMMITTEE, AND, IN**
 102 **CONNECTION THEREWITH, DEFERRING THE DATE ON WHICH THE**
 103 **COMMITTEE IS SCHEDULED TO REPEAL.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Wildfire Matters Review Committee. The wildfire matters review committee (WMRC) is currently scheduled to repeal on July 1,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
 Dashes through the words indicate deletions from existing statute.*

2018. The bill defers the repeal date to September 1, 2025.

The bill also eliminates obsolete provisions relating to the WMRC's consideration of codifying the wildland and prescribed fire advisory commission, an entity created by executive order. The WMRC discharged its obligation by considering this issue during the 2014 legislative session.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 2-3-1602, **amend** (7);
3 and **repeal** (1.5) as follows:

4 **2-3-1602. Wildfire matters review committee - creation -**
5 **repeal of part.** (1.5) ~~(a) In 2014, in addition to any other matters it~~
6 ~~considers, the committee shall consider the creation of a Colorado~~
7 ~~wildland and prescribed fire advisory commission under the division of~~
8 ~~fire prevention and control in the department of public safety, also~~
9 ~~referred to in this subsection (1.5) as the "advisory commission". The~~
10 ~~purpose of the advisory commission will be to assist the director of the~~
11 ~~division of fire prevention and control in performing his or her duties.~~
12 ~~The committee shall make specific findings and recommendations~~
13 ~~regarding the appropriate composition of the advisory commission, length~~
14 ~~of terms, and the types of expertise and interests that should be~~
15 ~~represented.~~

16 ~~(b) On or before December 1, 2014, the committee shall submit~~
17 ~~its specific recommendations pertaining to the advisory commission to the~~
18 ~~agriculture, livestock, and natural resources committee of the house of~~
19 ~~representatives and the agriculture, natural resources, and energy~~
20 ~~committee of the senate, or any successor committees. Nothing in this~~
21 ~~paragraph (b) prevents the committee from proposing legislation~~
22 ~~regarding the creation of the advisory commission.~~

1 (c) ~~Repealed.~~

2 (7) This part 16 is repealed, effective ~~July 1, 2018~~ SEPTEMBER 1,
3 2025.

4 **SECTION 2. Safety clause.** The general assembly hereby finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, and safety.

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**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

DRAFT

LLS NO. 18-0236.01 Bob Lackner x4350

HOUSE BILL

HOUSE SPONSORSHIP

Hamner and Carver, Becker K., Exum, Singer, Thurlow

SENATE SPONSORSHIP

Coram and Merrifield, Cooke, Jones

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING STATUTORY PROVISIONS ENACTED TO PROMOTE THE
102 EXTINGUISHMENT OF UNATTENDED FIRES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Wildfire Matters Review Committee. Section 1 of the bill modifies existing statutory provisions addressing county powers to extinguish unattended campfires by:

- Changing the penalty for leaving a campfire unattended

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Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- from a class 2 petty offense to a class 3 misdemeanor with an accompanying change in the maximum sentence; and
- Deleting provisions requiring a county to post notices concerning unattended campfires.

With respect to the existing statutory penalty for leaving a fire unattended or not thoroughly extinguishing a fire before leaving it on any property under the control of the division of parks and wildlife, **section 2** changes the penalty from a class 2 petty offense to a class 3 misdemeanor with an accompanying change in the maximum sentence.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 30-15-201 as
3 follows:

4 **30-15-201. Penalty for leaving campfire unattended.** ~~(1) It is~~
5 ~~the duty of the board of county commissioners of each county in this state~~
6 ~~to cause to be erected and maintained, at suitable distances and in~~
7 ~~conspicuous places (at the side of the main-traveled highways of each~~
8 ~~county and at such other places in each county as each board may deem~~
9 ~~proper), notices printed in large letters on suitable signboards stating that~~
10 ~~campfires must not be left unattended and must be totally extinguished~~
11 ~~before breaking or leaving camp and that violators are subject to a~~
12 ~~fifty-dollar fine. Any person who leaves a campfire unattended commits~~
13 ~~a class 2 petty offense and, upon conviction thereof, shall be punished by~~
14 ~~a fine of fifty dollars~~ IS GUILTY OF A CLASS 3 MISDEMEANOR AND, UPON
15 CONVICTION THEREOF, SHALL BE PUNISHED BY A MINIMUM SENTENCE OF
16 A FIFTY DOLLAR FINE UP TO A MAXIMUM SENTENCE OF SIX MONTHS
17 IMPRISONMENT OR A SEVEN HUNDRED FIFTY DOLLAR FINE, OR BOTH.

18 ~~(2) The erection of such notices shall be at the expense of each~~
19 ~~county, and at least twenty notices shall be posted and maintained in each~~
20 ~~county in this state. The board of governors of the Colorado state~~

1 ~~university system may also post similar notices, signed by the board and~~
2 ~~erected and maintained at its expense, at such points throughout the state~~
3 ~~as it deems necessary or expedient.~~

4 **SECTION 2.** In Colorado Revised Statutes, 33-15-106, **amend**
5 (2)(a) as follows:

6 **33-15-106. Fires.** (2) (a) Any person who violates ~~paragraph (a)~~
7 ~~of subsection (1)~~ SUBSECTION (1)(a) of this section is guilty of a ~~class 2~~
8 ~~petty offense~~ CLASS 3 MISDEMEANOR and, upon conviction thereof, shall
9 be punished by a ~~fine of fifty dollars~~ A MINIMUM SENTENCE OF A FIFTY
10 DOLLAR FINE UP TO A MAXIMUM SENTENCE OF SIX MONTHS IMPRISONMENT
11 OR A SEVEN HUNDRED FIFTY DOLLAR FINE, OR BOTH.

12 **SECTION 3. Effective date - applicability.** This act takes effect
13 July 1, 2018, and applies to offenses committed on or after said date.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.

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Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

DRAFT

LLS NO. M18-0427.01 Cara Meeker x2044

SENATE Joint Memorial

SENATE SPONSORSHIP

Jones and Baumgardner, Cooke, Coram, Merrifield

HOUSE SPONSORSHIP

Singer and Thurlow, Becker K., Carver, Exum, Hamner

Senate Committees

House Committees

SENATE JOINT MEMORIAL

101 CONCERNING THE NEED FOR CONGRESS TO FUND CATASTROPHIC
102 WILDFIRE RESPONSE COSTS OUTSIDE OF FEDERAL FOREST
103 MANAGEMENT AGENCIES' NORMAL BUDGETS.

1 WHEREAS, There are about 24 million acres of forests and
2 woodlands in Colorado, of which more than two-thirds are managed by
3 the federal government; and

4 WHEREAS, Colorado's forests are increasingly susceptible to
5 forest fires, with an average of about 40,000 acres burned per year from
6 2004 through 2007 but an average of more than 140,000 acres burned per
7 year from 2008 through 2014; and

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1 WHEREAS, According to the Insurance Information Institute,
2 Colorado has the second highest percentage of households that are at high
3 or extreme risk from wildfires of any state in the nation; and

4 WHEREAS, Under current federal law, money that was originally
5 budgeted to mitigate fire risk, protect and restore watersheds, increase
6 forest health, promote recreational opportunities, and conduct necessary
7 forest planning is diverted to fight fires once the amount budgeted for fire
8 fighting has been depleted; and

9 WHEREAS, The United States Forest Service spent only 16% of
10 its annual budget on fire suppression and response in 1995, but recently
11 announced that in 2015, for the first time, it will spend more than half its
12 budget to fight wildfires, and by 2025 it expects to spend 67% of its
13 budget on that task; and

14 WHEREAS, A 2013 study by Headwaters Economics showed that
15 in the 1990s, average federal spending to suppress wildfires was less than
16 \$1 billion annually, but, since 2002, federal spending has risen to over \$3
17 billion annually and costs are still rising; and

18 WHEREAS, Paying for catastrophic wildfire response should not
19 come at the expense of programs that reduce the risk of wildfires because
20 doing so plainly creates a feedback loop that increases the frequency and
21 severity of catastrophic wildfires; and

22 WHEREAS, Congress is currently considering several measures
23 that would create alternative ways to pay for catastrophic wildfire
24 response costs; now, therefore,

25 *Be It Resolved by the Senate of the Seventy-first General Assembly*
26 *of the State of Colorado, the House of Representatives concurring herein:*

27 That Congress should enact laws necessary to protect federal land
28 management agencies' ability to mitigate the risk of catastrophic wildfires
29 and manage the lands within their jurisdiction by funding catastrophic
30 wildfire response in a manner analogous to that used for natural disasters.

31 *Be It Further Resolved*, That copies of this Joint Memorial be sent
32 to Governor John Hickenlooper, each member of Colorado's
33 congressional delegation, the Western Governor's Association, and the
34 current Secretary of Agriculture and Secretary of the Interior.