

Wildfire Matters Review Committee

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October 2018

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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 met four times during the 2018 interim and heard presentations from representatives of various entities involved in wildfire prevention, mitigation, and response. Entities that presented to the committee included:

- 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.

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. Bill A addresses 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, about their work in preparing for and preventing wildfire damage.

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.

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.

Committee Recommendations

As a result of committee discussion and deliberation, the Wildfire Matters Review committee recommends the following four bills for consideration in the 2019 legislative session.

Bill A — Wildland Fire Airspace Patrol System. 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 C — Establish Colorado Fire Commission. Bill C creates the Colorado Fire Commission (commission) in the DFPC.

The commission is required to meet at least once every three months to enhance fire service capacity to conduct fire management and preparedness, prevention, and response activities to safeguard lives, property, and natural resources and to increase the resiliency of local and regional communities. The commission consists of 18 voting members and at least 6 non-voting members from federal, state, and local entities who serve on a volunteer basis, but are entitled to be reimbursed for commission-related expenses. Commission duties are specified in the bill and the commission may establish task forces to study and make recommendations to the full commission.

The commission must report on its activities and recommendations to the General Assembly by August 31, 2020, and each year thereafter until the commission repeals on September 1, 2024. A sunset review must be conducted by the Department of Regulatory Agencies prior to this repeal date.

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.