

Wildfire Issues in Wild Land-Urban Interface Areas

2008 Report to Legislative Council

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Committee Charge

Pursuant to Senate Joint Resolution 08-025, the Interim Committee on Wildfire Issues in the Wild Land-Urban Interface Areas is charged with studying and making recommendations on the following issues:

- challenges posed to traditional methods of firefighting and the allocation of firefighting resources as a result of the increasing number and changing distribution of homes and other structures in the wild land-urban interface, and methods of overcoming those challenges;
- available strategies to minimize and mitigate the danger of wildfire in the wild land-urban interface, and methods of employing those strategies; and
- potential responses to the bark beetle epidemic, with particular emphasis on market-based incentives for the removal and beneficial use of trees killed or threatened by bark beetles.

Committee Activities

The committee met six times during the 2008 interim. Three of the meetings were devoted to discussions with representatives of various entities involved in wildfire issues and forest health in Colorado, including the:

- United States Forest Service (USFS);
- federal Bureau of Land Management (BLM);
- Federal Emergency Management Agency (FEMA);
- Colorado State Forest Service (CSFS);
- Colorado Division of Fire Safety;
- Colorado Division of Emergency Management;
- Colorado State Fire Chiefs Association;
- Governor's Forest Health Advisory Council;
- county sheriffs;
- local fire departments;
- community organizations; and
- timber industry.

During one meeting, the committee took a tour of Grand County, focusing on areas that have been heavily impacted by the bark beetle epidemic. The remaining two meetings were spent discussing potential legislation for the committee to recommend. Eleven bills were drafted at the request of the committee and seven were ultimately approved.

Bark beetle. Bark beetles are native to the forests of North America and infestations are normal and cyclical. In recent years, however, Colorado's forests have experienced several large-scale insect infestations, from beetles in the piñon forests of southwestern Colorado to mountain pine beetles in northern lodgepole pine forests. In both cases, it is estimated the infestations will result in tree mortality rates of 90 percent. The committee discussed how trees killed by bark beetles present a wildfire danger, putting life and property at risk. Also, watersheds and recreational areas are threatened by the damage caused by catastrophic wildfire. Finally,

roads, power lines, and other infrastructure are at risk from dead wood that easily topples in light winds. The committee recommends Bill G, which would provide various incentives to businesses that harvest, transport, process, or market timber killed by bark beetles.

Field trip. On August 18, 2008, the committee met in Winter Park and attended a meeting of Grand County commissioners, town managers, and mayors. The committee was able to gain a local perspective of the bark beetle problem and to discuss the needs of communities with regard to wildfire mitigation. The tour moved on to the Stillwater Campground on Lake Granby, where representatives of the CSFS showed the committee completed forest thinning projects, on both public and private property. The final stop was the Confluence Energy wood pellet plant in Kremmling, where the committee toured a facility that uses beetle-killed wood to make pellets for low carbon emission stoves. Representatives of the CSFS and USFS were available along the way to answer questions and discuss various issues with members of the committee.

Fire hazard mitigation. The wildfire hazard in Colorado poses several threats to human life, water quality, property values and tax revenues, recreation, and tourism, as well as electrical, communication, and transportation infrastructure. The committee heard presentations from various entities regarding the threat of wildfire and the need to mitigate wildfire hazards to protect these vulnerable resources and infrastructure. Bill E provides grants to various entities for wildfire mitigation efforts.

Forest health. According to the CSFS, which compiles a State Forest Health Report annually, there are 22.5 million acres of diverse forest land in Colorado. The primary factors influencing those forests are forest conditions, insects and disease, fire, people, weather, and climate change. A major factor of forest conditions in Colorado is the significant age of various types of forests present in most regions throughout the state. Most of Colorado's lodgepole pine, aspen, and spruce/fir forests are older and less resilient to the effects of insects and wildfires.

The committee heard substantial testimony about Colorado's forests and how they are dependent upon change for maintenance and renewal. Fires, insect and disease outbreaks, and forest management can add diversity and resilience to forest stands or bring about entirely new forests from old ones. However, many of Colorado's old forests have not recently experienced disturbance because of fire suppression and very little tree cutting. Colorado forests are on the cusp of significant change and have experienced a series of significant ecological events over the past decade, including severe drought, a dramatic fire season in 2002, and ongoing epidemics of invasive species such as the bark beetle.

Innovative ideas. The majority of presentations to the committee focused on the problems inherent in a state with so much forest land, but solutions were also discussed. A number of timber operations in Colorado are working to gather and use beetle-killed wood for stove pellets, flooring, furniture, and other building purposes. Additionally, communities around the state are adopting Firewise principles, which emphasize community responsibility for planning in the design of a safe community and effective emergency response. Firewise guidelines stress individual responsibility for safer home design and construction, landscaping, and maintenance.

The committee also heard from several volunteer community organizations, such as Youth Corps, the Wilderness Society, and the Nature Conservancy, which clear out dense forest land and conduct prescribed burns in order to reduce the threat of catastrophic wildfire in the wild land-urban interface. Finally, the committee learned about various federal grant options for pre-disaster mitigation projects. The City of Colorado Springs received two such grants and used the money for education outreach, fuels mitigation, review of new development, fire behavior analysis, and prescribed burns.

Miscellaneous. The committee recommends five other bills. Bill A clarifies the responsibility for responding to wild land fires. Bill B concerns the extension of civil immunity to volunteer firefighters. Bill C requires the CSFS to implement guidelines for community wildfire protection plans. Bill D creates various incentives for volunteer firefighters. Bill F requires that the state match local government contributions to the emergency fire fund. All of the committee's recommendations are explained in more detail in the following section.

Committee Recommendations

As a result of the interim committee's discussion and deliberation, the committee recommends seven bills for consideration in the 2009 legislative session.

Bill A — Wild Land-Urban Fire Chain of Command. Bill A requires local governments to designate an emergency response authority that will create a plan for responding to wild land fires in its jurisdiction. The Colorado State Forest Service is identified as the emergency response authority on state-owned lands. Bill A requires the board of county commissioners of each county, in collaboration with emergency response authorities, to develop an annual wildfire preparedness plan for unincorporated areas of the county. In addition, the bill allows the board of county commissioners in any county to levy a special tax on taxable property, subject to voter approval, to create a fund to prevent, control, or extinguish wild land fires in the county. The annual total raised from the tax cannot exceed the amount raised by 1 mill or \$500,000, whichever is less.

Bill B — Good Samaritan Law Volunteer Firefighters. Bill B exempts fire departments or other entities that donate surplus firefighting equipment from civil and criminal liability resulting from the use of such equipment. Bill B also exempts volunteer firefighters and their employers from civil liability resulting from any action taken during firefighting efforts or other emergency services. Bill B provides that no state, county, or municipal agency that is engaged in emergency or disaster planning, training, or response activities is liable for the death of or injury to any person or loss of or damage to property, except in cases of willful or wanton acts or omissions.

Bill C — Community Wildfire Protection Plans. Bill C requires the state forester to establish guidelines for Community Wildfire Protection Plans (CWPPs). CWPPs are plans to identify and mitigate fire hazards that are developed with input from state, local, federal government bodies and other interested parties. The state forester, collaborating with local governments, fire districts, and law enforcement bodies, must establish guidelines and criteria counties must consider when developing their own CWPPs.

Counties, with the assistance of the state forester, are required to identify fire hazard areas in unincorporated areas. Fire hazard areas are defined as areas that face a substantial and recurring risk of exposure to severe fire hazards. Once identified, counties must develop a CWPP that considers the guidelines for each fire hazard area.

Bill D — Incentives for Volunteer Firefighters. Bill D establishes a program to provide volunteer firefighters with college tuition vouchers. To be considered for a voucher, a volunteer firefighter must be a full- or part-time student, complete at least 36 hours of training each year, and agree to serve as a volunteer firefighter for at least four years after completing their education. The Division of Fire Safety, Department of Public Safety, will work with the State Board for Community Colleges and Occupational Education to establish the tuition voucher program for up to three credits per academic year.

The bill also establishes a three-year program to reimburse volunteer firefighters for up to \$250 of equipment costs. The Department of Revenue oversees this rebate program.

Bill E — High Risk Wildfire Mitigation Grants. Bill E requires the Colorado State Forest Service to develop and implement a program that provides grants to local governments, the state, the federal government, fire protection districts, and homeowner’s associations for wildfire mitigation efforts. From FY 2008-09 through FY 2012-13, Bill E appropriates \$10 million annually from the General Fund to the newly created High-Risk Communities Wildlife Mitigation Grant Program Fund. Money in the fund is continuously appropriated to the forest service, which may only use the funds for wildfire mitigation grants. The forest service is required to prepare an annual report on the grant program.

Bill F — State Match for Emergency Fire Fund. Bill F requires the General Assembly to annually appropriate money from the General Fund to the Colorado State Forest Service. The forest service, in turn, is to grant the money to the Emergency Fire Fund. The amount appropriated must equal the voluntary contributions made by counties and the Denver Water Board to the Emergency Fire Fund in the prior fiscal year. The Emergency Fire Fund was set up in 1967 and is managed by a 10-person committee. Upon approval by the state forester, it funds emergency responses to wildfires.

Bill G — Incentives to Harvest Bark Beetle Timber. Bill G provides a five-year property tax exemption for business personal property used to harvest, transport, process, or market timber killed by bark beetles. The applicant must meet the following criteria to qualify for the tax exemption:

- the applicant must be either a sole proprietor living in Colorado or a corporation whose principle place of business is in Colorado;
- the business must earn a profit in at least two of the five years between 2009 and 2014; and
- the business must participate in forest reseedling or other restoration efforts.

Bill G also establishes a revolving loan program to provide start-up capital to businesses that purchase facilities or equipment used for the harvest, removal, or use of beetle-killed timber. Loans will be granted by the Colorado State Forest Service based on the extent to which the applicant helps the job opportunities and prosperity of the area, the expertise of the applicant, and the applicant's ability to promote bark-beetle mitigation efforts and the business community.

Finally, the bill requires the state forester to identify areas in the Colorado where the bark beetle infestation has resulted in an imminent fire danger. The forest service is to provide a designated staff member to aid property owners and businesses in navigating obstacles faced when harvesting beetle-killed timber in different jurisdictions.