

## **Wildfire Matters Review Committee**

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# Wildfire Matters Review Committee

## Committee Charge

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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

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The committee met three times during August and September 2015. At all three 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; homeowner's insurance in the wildland-urban interface; 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 represented before the committee included:

- the Department of Public Safety;
- the Division of Fire Prevention and Control;
- the Division of Homeland Security and Emergency Management;
- the Nature Conservancy;
- Colorado State Fire Chiefs;
- County Sheriffs of Colorado;
- the Amateur Radio Relay League;
- the Colorado Department of Public Health and Environment;
- the Colorado Department of Natural Resources;
- the Colorado Emergency Management Association;
- the United States Forest Service;
- the Colorado State Forest Service;
- representatives of the timber and biomass industries;
- forest and watershed health experts;
- the Colorado Municipal League; and
- local governments.

The committee heard public testimony at all four of its meetings, and spent time during meetings undertaking organizational activities and considering draft legislation. Six bills, two resolutions, and one letter were drafted at the request of the committee, which ultimately approved four bills and two resolutions. Topics covered and recommendations made by the committee are discussed below.

***Radio and auxiliary communications during emergencies.*** The committee heard from representatives of the Amateur Radio Relay League's Amateur Radio Emergency Service for the state of Colorado and discussed the role of volunteer amateur radio operators during wildfire emergencies. Bill D, which incorporates the topics discussed by the committee, creates the Auxiliary Emergency Communications Unit (unit) in the Office of Emergency Management in the Division of Homeland Security and Emergency Management in the Colorado Department of Public Safety (DPS).

In addition, the committee discussed the communication needs during a wildfire emergency, including coverage, funding, consolidated governance, interoperability, and proper training. A draft letter to the DPS regarding a study to find feasible alternatives to radio communications during wildfire events in rural areas was discussed by the committee, but did not go forward.

***Wildfire risks in the wildland-urban interface areas.*** The committee discussed forest health issues and heard from representatives of forest utilization industries. 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. Representatives from local governments discussed the issues in communities and developments in the WUI areas. Based on the topics covered during this discussion, the committee discussed two bills. Bill A eliminates the wildfire mitigation income tax deduction and creates a wildfire mitigation state income tax credit. Another bill that would have required counties and municipalities that have adopted a building code to also adopt and enforce a wildfire mitigation code was ultimately not approved by the committee.

***Forest health and watershed restoration.*** The committee heard from the Colorado State Forest Service (CSFS), the Nature Conservancy, 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 representatives of water conservation districts on the impact of wildfires on watershed health. Proper forest management and wildfire mitigation efforts can also be used to protect watershed health. Based on the topics covered during this discussion, the committee recommends two bills. Bill B adds broadcast burning to the types of methods that may be awarded grants from the Healthy Forests and Vibrant Communities Cash Fund and the Forest Restoration Program Cash Fund. Bill C also adds broadcast burning to the types of projects and methods for which the Department of Natural Resources may award grants from the Wildfire Risk Reduction Fund.

**Firefighter safety and recognition of work.** The committee heard from the Division of Fire Prevention and Control and the Colorado Department of Public Health and Environment (CDPHE) on health and safety concerns related to wildfires. A representative from CDPHE discussed air quality and health issues related to smoke. In addition, the committee discussed methods and resources for the protection of the public and emergency responders, which includes efforts to reduce the risks and severity of wildfire activities. The committee discussed but did not approve a bill that would have clarified terms related to the criminal offense of obstructing a peace officer, firefighter, or other emergency response personnel, and would have transferred or diverted state revenue to firefighter safety and wildfire risk reduction programs.

The committee also discussed the sacrifices made by firefighters during emergency responses. Resolution A honors and recognizes firefighters that have been killed in the line of duty.

**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, Resolution B asks Congress to fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.

## **Committee Recommendations**

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As a result of committee discussion and deliberation, the Wildfire Matters Review Committee recommends the following four bills and two resolutions for consideration in the 2016 legislative session:

**Bill A – Change the Wildfire Mitigation Tax Deduction to a Credit.** Bill A eliminates the wildfire mitigation income tax deduction and creates a wildfire mitigation state income tax credit. The tax credit will be available for tax years 2017 through 2019. The amount of the credit is equal to 25 percent of the costs a landowner incurs performing wildfire mitigation on his or her property located in the WUI. The amount of the credit per tax year cannot exceed \$2,500. Any amount above the limit can be carried forward for five years. Any remaining credit after five years is nonrefundable.

**Bill B – Use Broadcast Burns to Promote Watershed Restoration.** Bill B adds broadcast burning to the types of projects and methods for which the CSFS may award grants from the Healthy Forests and Vibrant Communities Cash Fund and the Forest Restoration Program Cash Fund.

**Bill C – Add Broadcast Burning to Wildfire Risk Reduction Grant Program and Replenish Funds.** Bill C adds broadcast burning to the types of projects and methods for which the Department of Natural Resources may award grants from the Wildfire Risk Reduction Fund, and authorizes the transfer of a total of \$3.0 million into the cash fund: \$1.5 million from the General Fund and \$1.5 million from the Severance Tax Operational Fund.

**Bill D – Auxiliary Emergency Communication.** Bill D creates the Auxiliary Emergency Communications Unit (unit) in the Office of Emergency Management in the Division of Homeland Security and Emergency Management in the DPS. The unit has the power to:

- establish programs for the training and credentialing of auxiliary emergency or disaster communicators across the state;

- assume all the duties and responsibilities of the Radio Amateur Civil Emergency Service (RACES); and
- ensure that auxiliary emergency communicators are authorized volunteers entitled to the appropriate protections and benefits of emergency volunteers when assisting local governments with the maintenance or demolition of communication facilities.

Pursuant to this authority, the DPS may develop and issue photo identification cards to auxiliary communicators, conduct criminal background checks, and reimburse emergency communicators for necessary travel and other expenses incurred in performance of their duties.

Finally, the bill increases from 23 to 24 the number of members serving on the Public Safety Communications Subcommittee of the Homeland Security and All-Hazards Senior Advisory Committee in the DPS. The additional member is the section emergency coordinator for the Amateur Radio Emergency Service of the Colorado section of the Amateur Radio Relay League.

***Resolution A – Recognizing Firefighters Killed in the Line of Duty.*** The resolution honors and recognizes firefighters that have been killed in the line of duty.

***Resolution B – Federal Budgets for Catastrophic Wildfire Response.*** The joint resolution with the Water Resources Review Committee requests that Congress fund the costs for catastrophic wildfire response outside the normal budgets for federal forest management agencies.