

**Paul Cooke**

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**From:** Paul Cooke  
**Sent:** Wednesday, September 05, 2012 12:52 AM  
**To:** 'Sen. Ellen Roberts'  
**Cc:** James Davis  
**Subject:** LNF Wildfire Commission - Legislative Recommendations  
**Attachments:** 09-0128.02.pdf; SB09-018.pdf

Senator Ellen Roberts, Chair  
Lower North Fork Wildfire Commission  
Colorado State Capitol  
200 E Colfax Ave  
Denver, CO, 80203

Dear Senator Roberts,

This is in response to your request for recommendations concerning legislative initiatives to reduce the threat of catastrophic fires in wildland urban areas of the state and to improve the State's preparedness, capability, and response to wildfires in order to protect people and property. I am pleased to submit the following recommendations for legislation.

**Prescribed Fire Legislation**

As you know, HB12-1283 transferred the authorities and responsibilities for prescribed fire and wildfire management from the Colorado State Forest Service (CSFS) to the Division of Fire Prevention and Control (DFPC) within the Colorado Department of Public Safety. While the CSFS had certain duties with respect to prescribed fire, there is currently no state agency vested with the specific statutory authority or responsibility to conduct prescribed fire. Furthermore, other than the duties related to the Certified Burner Program in the DFPC, there is no state agency vested with the authority to adopt rules for the use of prescribed burning and establish standards for prescribed burning on state lands or conducted on non-state lands by state agencies.

I believe the enactment of comprehensive legislation creating a prescribed fire program is an important first step in restoring public confidence in the State's ability to safely utilize this important tool for community protection, forest health, environmental, and wildlife management purposes.

I recommend the legislation provide specific statutory authority and responsibility to the Division of Fire Prevention and Control to conduct fuel reduction initiatives, including, but not limited to, burning and mechanical and chemical treatment, under certain circumstances. The proposed act would also require the Director to adopt rules for the use of prescribed burning and establish standards for prescribed burning on state lands or conducted on private lands by state agencies. Additionally:

- The rules adopted by the Director should also be the minimum standard for all prescribed burning conducted in the state, except for those prescribed fires conducted by an agency of the federal government.

- The rules adopted by the Director should require that at least one certified prescribed burn manager, or a burn boss qualified by National Wildfire Coordinating Group (NWCG) standards at the level commensurate with the complexity of the burn be present on site during the conduct of the prescribed burn and until the fire is adequately confined to reasonably prevent escape of the fire from the area intended to be burned or until the prescribed burning is completed and all fire is declared to be out.

In addition, I recommend the following legislative initiatives from previous years, be reconsidered:

### **Wildland-Urban Interface Code**

The Colorado State Fire Chiefs Association made the recommendation to the 2008 Interim Committee on Wildfire Issues in Wildland-Urban Interface Areas that legislation be introduced that provided some sort of incentives for counties to adopt a Wildland Urban Interface Code. An example of an incentive was to build in credit in the Emergency Fire Fund (EFF) formula for counties that have adopted and enforce a WUI code.

The Wildland-Urban Interface Code contains provisions addressing fire spread, accessibility, defensible space, and water supply for buildings constructed near wildland areas. It is intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures, and to mitigate structure fires from spreading to wildland fuels. As opposed to Community Wildfire Protection Plans (CWPP's), the purpose of the Wildland-Urban Interface Code is proactively address the issues before structures are built in the interface.

The 2008 Interim Committee on Wildfire Issues responded by drafting legislation (LLS NO. 09-0128.02, Concerning the Adoption of Wildland-Urban Interface Codes by Local Governments to Address the Fire Risks in Wildland-Urban Interface Areas); however, it did not make the final cut of bills to be carried by the Committee. A copy of the bill is attached.

### **SB09-018, Concerning the Creation of a High-Risk Communities Wildfire Mitigation Grant Program**

In 2009, the Colorado State Fire Chiefs Association supported this bill that would have provided funding for mitigation efforts in high-risk WUI areas. Even though the bill enjoyed bipartisan support, it did not make it out of the second house, due to the absence of an identified funding source. A copy of the introduced bill is attached.

**Bill Summary:** Creates the high-risk communities wildfire mitigation grant program. Creates the high-risk communities wildfire mitigation grant program fund (fund). Appropriates specified amounts from the general fund to the fund for the 2008-09 through 2012-13 fiscal years, and requires all fund investment earnings to be credited to the fund. Continuously appropriates the fund to the Colorado State Forest Service (forest service) for expenditure only for high-risk communities wildfire mitigation grants subject to an exception that allows the forest service to expend up to a specified percentage of each annual appropriation to share the costs of developing community wildfire protection plans.

Requires the forest service to develop and implement the program and provide high-risk communities wildfire mitigation grants from the fund to local governments, the state, the federal government, fire protection districts, agencies thereof, and, in the sole discretion of the forest service, homeowners' associations for the purpose of funding nonemergency preventive wildfire mitigation measures. Specifies minimum matching requirements for grant recipients, and only allows grants for wildfire mitigation measures that are located in wild land-urban interface areas and that have been identified in a community wildfire protection plan.

Requires the forest service to annually report to the general assembly regarding the program. Repeals the program on a specified date.

If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Paul

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**Colorado Division of Fire Prevention and Control**

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