

September 30, 2013

To: Wildfire Matters Review Committee

From: Eddie Kochman, 10680 Utrillo Lane, Northglenn, Colorado, eddiekochman@aol.com

Subject: Comments and recommendations for consideration.

#### OVERVIEW

I have not had the opportunity to review your September 30, 2013 report to the Governor prior to my comments and recommendations which were recently prepared. If I had been able to do so I am sure it would have influenced what I stated.

I am disappointed the opportunity did not exist to speak before the Committee before completion of the report, but I am hopeful you will still take the time to review the following comments and recommendations. However, after reading the Denver Post story this morning on your report I do agree with many of your recommendations, but feel you missed addressing significant issues.

I own two parcels of property (approximately 80 acres) in Park County. One property is within an area of high intensity risk of forest fire between Alma and Fairplay. I refer to this area as the upper South Platte basin/watershed and much of it is at an elevation above 9000 feet. This parcel has a home, separate garage, storage shed (contains fire mitigation equipment, including chainsaws) and a backhoe is stored on the property. This parcel is insured with Farmers Insurance. I have never had an insurance claim. The nearest fire station is approximately four miles away.

I have undertaken extensive fire mitigation, as has a number of neighbors.

Fortunately, while a number of "close calls" have resulted, no major fire has recently occurred in the immediate area. The area is extensively developed with most homes being on a range of lots from 5 to 35 acres in size. There are significant numbers of homes costing upwards of a million dollars and more.

The fire danger comes from old growth lodge pole trees mixed with aspen. Some disease exists, but nothing compared to Summit County. There has been no sustained effort at fire mitigation until recently and this emphasis has resulted from increased awareness that fire is a real threat. Many owners, including myself, are undertaking fire mitigation efforts seriously, while others are not and are therefore putting their properties, as well as their neighbors, at risk.

Absentee land owners with no homes, or structures on their lands, that have high fire risk are in my opinion a significant problem and their unwillingness to complete fire mitigation puts other lands and property at risk. Many of these owners live out of state. To my knowledge there is no legal basis to compel them to do so.

In addition to private lands a significant fire threat exists on federal lands and in some cases on state lands. It is my opinion that the United States Forest Service who administers extensive lands in direct proximity to private lands within Park County has been ineffective in forest and timber management activities that will prevent, or minimize, the risk of fire in the upper South Platte basin. This lack of

priority does jeopardize private lands, as well as the entire watershed. If anyone doubts this statement take a hike on forest lands between Kenosha and Trout Creek Pass.

Over two years ago a major windstorm in October blew down both dead and living trees from Kenosha to Trout Creek Pass causing a major fire hazard to both private, as well as federal lands. This action, together with the already poor condition of the forest on both private and federal lands, has created a serious fire threat to the upper South Platte watershed. The statement of "when, not if" applies to a future fire that extends from Kenosha to Trout Creek Pass.

Should a major fire occur in this area it will not only impact private and federal lands, but also towns like Fairplay and Alma. A fire would most certainly have an extreme impact on water quantity and quality that would be felt outside of Park County. The upper South Platte basin is one of the most important watersheds for the Denver Metro area. Three major water storage reservoirs (Antero, Spinney and 11 Mile) are within the upper basin, along with important rivers. Major sport fisheries that contribute to recreational and economic benefits would also be impacted and would take years to recover.

It is far more effective to prevent forest fires than fight them. Future actions undertaken to manage both private and federal forest lands toward the objective of preventing, or mitigating fires, are of great importance and it is hoped that the actions of this Committee and the Legislature will prove effective. Cooperation of private landowners and local governments, along with the federal land management agencies, will be a major factor in attaining this objective.

#### RECOMMENDATIONS

##### Financial and Technical Assistance to Private Landowners

A majority of private landowners in high risk fire areas will voluntarily complete fire mitigation efforts if there is incentive, not disincentive, to complete such work.

Such work can range from little expense to thousands of dollars. I estimate that on 10 acres of lodge pole and aspen trees I spent in a range of 8 to 10 thousand dollars over a two year period. This included removing windblown trees which were the most difficult, dangerous and expensive to deal with. I estimate that I am one half finished on what needs to be done to accomplish a reasonable level of fire mitigation and defensible space.

One of the most important actions that allowed me to accomplish the work was that Park County and the Fire Protection District constructed a "burn pit" where residents could dispose (seven days a week) of slash and branches up to 4 inches in diameter at no cost, but donations are accepted.

Over two years I took 52 loads of material to this pit. Larger material can also be deposited outside the pit. Many private landowners took advantage of this option. The pit was located at the Fire Station West of Fairplay and was well supervised. Simple, low cost and effective in comparison to benefits. During the summer fire ban the pit was closed. Grants should be available to assist any county, or local government, who wishes to construct and supervise burn pits. Little impact resulted to air quality in comparison to a forest fire.

In addition, Park County and the Coalition for the Upper South Platte on occasion had a commercial chipper available for use, at a cost. The Coalition recently received a one million dollar grant (authority of Senate Bill 13-239) to further take actions to prevent and mitigate fires. It is hoped the funds will be

effectively spent especially in relation to private lands. Purchase of commercial grade chippers are one option.

Collectively these actions create incentives for private landowners to complete fire mitigation. Every county in Colorado should have similar programs.

While there are sources of technical assistance available to private landowners regarding fire mitigation there is not widespread, or effective, outreach to inform landowners. Notice in the media, weekend public outreach meetings and even mailings to all registered addresses advising what is available would help.

If a landowner is provided a mitigation plan and implements that plan over a period of time they should be rewarded in some manner and disincentives for those landowners who cooperate must be avoided. Landowners who do not cooperate should in some manner be penalized.

Equipment necessary to complete even basic fire mitigation can be expensive. Some landowners would do the necessary work, but do not have the equipment, or cannot afford to hire a professional tree removal company, or individual. If there were the option of renting such equipment and being reimbursed for a portion of the cost there would be incentive for some landowners to develop and complete a fire mitigation plan. A local burn pit would be very important to such an individual.

Property Tax Increase/Special Fees to Fund Fire Fighting Costs, Local Control & Authority

I believe it is equitable to ask those private property owners in high risk fire areas to in some manner either fund a level of the costs of fighting fires, or complete mandatory fire mitigation actions. I strongly would object to individuals like myself, who take fire mitigation seriously, to pay increased taxes, fees, or insurance premiums, when other private property owners will not complete any level of fire mitigation. Such indifference on their part increases the risk of fire and yet at the present time there is little in the way of legal liability, or accountability, at either the local, or state level.

A fee structure that takes into account effective fire mitigation action and rewards those who complete such mitigation, versus those landowners who ignore such action, may be acceptable.

If a source of statewide funding is legislatively developed a significant portion should be given to local governments in high risk fire areas for actions that will prevent, minimize and pay for fighting fires. Local governments/counties are often most effective in dealing with local problems, including fire mitigation.

Changes to the Colorado Local Government Land Use Control Enabling Act (CRS 29-20-101) may need revision to place expanded legislative direction and authority to counties, local governments and fire districts regarding fire control and mitigation. An example could be counties, or fire districts, ability to enact binding fire mitigation provisions on private lands.

One option for funding would be to increase (ballot initiative) state severance tax on oil and gas production and ear mark this funding for forest management on both private and federal lands. One only has to compare Colorado with Wyoming and South Dakota to realize what is being lost as a result of the state's current level of severance tax.

Insurance Coverage for Property in High Fire Risk Areas

The Denver Post reported that that in 2012 and 2013 there was more than \$858 million in forest fire related claims in Colorado. Proves that it is far more cost effective to prevent and minimize fires than wait until the inevitable occurs. The initiative of the insurance industry to address this growing issue has been marginal at best. Rates go up, but proactive action has been weak.

Encouraging private landowners with existing homes and other structures to complete mandatory fire mitigation actions, support counties and other local governments to enact land use regulations that prohibit construction of further homes and other structures in high risk fire areas and enact building codes that require construction of fire resistant materials in new homes and add to existing homes. Such action would significantly reduce insurance claims, firefighting costs and loss of life.

Landowners with existing homes and structures who comply should receive a reduction in annual premiums and those who do not should receive an increase, or cancellation, of insurance. No insurance should be available for proposed new homes, or structures, in high risk fire locations.

Enact Local Ordinances to Require Property Owners to Complete Fire Mitigation

I have observed private lands in Park County that have such a large volume of dead and dying trees that they present extremely high risk of fire (lightning, human caused, including arson) and if a fire occurs it will spread to adjacent lands. Certain of these lands have no buildings, or any type of insurance. Often owners live in other states and in reality could care less.

Local ordinances should be enacted that are specific to serious fire hazards, comparable to other safety hazards such as chemicals, or other materials that endanger the public safety, If the hazard is not eliminated in a reasonable time the owner is in violation.

Disclosure of Fire Hazards by Real Estate Firms, Developers and Private Owners

Buyers of land and homes in high risk fire areas, or on lands that pose a high risk of fire due to topography, dead and dying trees and proximity to a fire house, should be formally advised of the risks before closing a contract. Such action would result in more attention to effective fire mitigation before, rather than after the fact of a major fire. It would also save some buyers from making serious and costly mistakes and in the long run would benefit all concerned, including the insurance industry.

United States Forest Service, Bureau of Land Management & State Lands

It is my opinion that the Forest Service and to a lesser degree the Bureau of Land Management, has failed to undertake effective timber, grassland and forest management activities which would minimize the risk of fire, and protect entire watersheds and ecosystems. Nearly 50% of the land mass in Park County is administered by the Forest Service and Bureau of Land Management. Much of this land is in direct proximity to private lands in high risk forest areas. I believe the same can be said for many rural mountain communities. Certain state owned lands also present serious fire risk.

The Forest Service and BLM are good at fighting fires, but poor at preventing them with effective statewide and proactive management. A 9/10/2103 Denver Post article by Greg Walcher was an accurate commentary on the problem and I hope every member of the Committee has read it. In addition the 9/4/2013 Denver Post editorial (A vicious cycle on Western wildfires) details the growing lack of federal funding and policy to undertake forest management. Funding, especially in today's

economic conditions, is an issue. Also certain environmental restrictions that limit actions regarding forest management activities in high risk fire areas need to be changed.

It is past time that both state and federal elected leaders reverse funding shortfalls and regulatory barriers and place increased emphasis on management of forest and grass lands, not only to minimize fires, but to protect increasingly important watersheds and ecosystems.

Based on my experience I consider this to be one of the top priorities regarding future control of forest fires throughout Colorado.

Global Climate Change, Warming and Cooling

I am one who believes that global climate change is a reality and that in the future drought in major parts of Colorado will be frequent. There will also be periods of high snowfall and rain, but on average drought periods will expand. The September 2013 of National Geographic (Rising Seas) is worth reading for those who doubt global climate change is occurring.

Forest fire threats will expand and it will be of even greater importance to minimize threats from global climate change on a proactive basis.

Long Term Impacts to Flowing Streams and Rivers

Forest fires can seriously impact streams and river as a result of sedimentation and altering of channel configuration. Boulder, Saint Vain, Big Thompson, Poudre, South Platte and the Rio Grande have all suffered impacts, including to major trout fisheries. Terrestrial wildlife species also suffer impacts, but have the option of migrating.

Allowing gas and oil production within high fire risk areas and in proximity to streams and rivers presents a high risk to fisheries and water quality should a fire occur. Such contamination would have long lasting impacts.

Has the Committee discussed the potential of providing the option of grant funding to Parks and Wildlife to enable activities that would mitigate such impact to streams and rivers? Currently CPW has funding shortfalls and such an option I believe would be appropriate. Water quality would also benefit.

Thank you for the opportunity to comment on this important issue.