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M E M O R A N D U M

September 25, 2014

TO: Members of the House and Senate Committees on Agriculture
FROM: Legislative Council Staff
SUBJECT: Recommendations Pursuant to Senate Bill 14-164

Summary

A 2013 gubernatorial executive order created a committee to advise the Division of Fire Prevention and Control (DFPC) within the Department of Public Safety on certain matters concerning wildfires and prescribed burning. Subsequent state legislation concerning the division's aerial firefighting efforts requires the interim Wildfire Matters Review Committee to consider the creation of an advisory commission to the DFPC, and report its findings to the House and Senate Agriculture Committees. This memorandum summarizes the interim committee's deliberations and findings on the creation of an advisory commission.

Executive Order B 2013-001 (Attachment A) created the Wildland and Prescribed Fire Advisory Committee (also referenced as the Governor's Advisory Committee to the Director of the Division of Fire Prevention and Control on Wildland and Prescribed Fire Matters). Paul Cooke, Director of the Division of Fire Prevention and Control within the Department of Public Safety, reported that this group is actively working and will continue to function unless disbanded by a future governor.

A provision in Senate Bill 14-164 requires the interim Wildfire Matters Review Committee (WMRC) to consider the creation of an advisory commission to the Division of Fire Prevention and Control (Attachment B). Pursuant to this provision, on September 10, 2014, the WMRC considered the composition, terms, and types of expertise and interests that should be represented on the group advising the Director of the Division of Fire Prevention and Control. Director Cooke agreed to work with the WMRC to address the following concerns as the advisory committee continues to operate according to executive order:

- representation from the Western Slope and/or San Luis Valley;
- a travel allowance or other compensation for members participating from remote parts of the state;
- full voting representation on the advisory committee to include additional individuals with a science background; and

- representation by air quality regulators (e.g., the Colorado Department of Public Health and Environment).

• EXECUTIVE DIRECTOR OF STATE FOREST SERVICE

To accommodate these recommendations, the executive order may be modified. Other changes may be accomplished by changing procedures under the current executive order; for example, the Colorado State Fire Chiefs or other organizations may be encouraged to consider geographic representation in their appointments to the advisory commission.

Perpetual existence is the only potential benefit current stakeholders see in reconstituting the advisory commission in statute, but there is no current concern about the executive order. Members of the WMRC generally expressed that reconstituting the advisory commission in statute may deprive it of an appropriate degree of flexibility, currently available under the executive order. In the future, the General Assembly may take action to create a statutory advisory commission if the executive order is discontinued or this action is otherwise warranted.

To formally conclude the discussion, Senator Roberts moved that the advisory committee remain as is, with the WMRC's comments to be applied by the Director of the Division of Fire Prevention and Control. The WMRC adopted the motion unanimously, with two members excused.

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John W. Hickenlooper
Governor

B 2013-001

EXECUTIVE ORDER

Creating an Advisory Committee to the Director of the Division of Fire Prevention and Control on Wildland Fire and Prescribed Fire Matters

Pursuant to the authority vested in the Office of the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2, of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order creating the Governor's Advisory Committee to the Director of the Division of Fire Prevention and Control on Wildland Fire and Prescribed Fire Matters.

I. Background and Purpose

For those Colorado residents living in the wildland-urban interface, there is increasing concern of disastrous wildfire. Slash and burn pile operations in this area will reduce the risk of devastating wildfires, in addition to helping firefighters control such outbreak when they do occur. These fuel treatment activities not only reduce wildfire potential, but work to increase the health of forests, by thinning forest stands and eliminating weak and diseased trees. Weaker trees that remain in the forest are prone to insect attacks and disease.

In order to best serve the residents on the wildland-urban interface and promote the health and wellbeing of our forests, slash pile burning remains the least expensive and most effective method of removing slash. This procedure is conducted with caution and consideration, as projects are planned months and sometimes years in advance. This advisory committee will work to ensure continued safety and protection for residents on the wildland-urban interface, while promoting the health and longevity of our state's natural forests through properly regulated pile burnings.

II. Declaration and Directives

The Wildland and Prescribed Fire Advisory Commission is hereby created to advise the Director of the Division of Fire Prevention and Control on wildland fire and prescribed fire matters. The advisory committee will work to improve Colorado's approach to forest health and to develop a long-term strategy for sustaining vital resources.

III. Membership and Organization

- A. For the purposes of advising the Director of the Division of Fire Prevention and Control on all matters pertaining to wildfire preparedness, response, suppression, coordination, or management, and prescribed fire, there is hereby created in the Division an advisory committee to the Director, to be known as the Wildland and Prescribed Fire Advisory Commission and referred to herein as the "advisory committee".
- B. The advisory committee shall consist of twelve principal members, ten of which shall be appointed by the Director from individuals designated by and representing each of the following organizations or subject-matter areas:
 1. Colorado Counties, Inc.
 2. Colorado Emergency Managers Association;
 3. Colorado Municipal League;
 4. Colorado Prescribed Fire Council;
 5. Colorado Professional Fire Fighters Association;
 6. Colorado State Fire Chiefs Association;
 7. Colorado State Fire Fighters Association;
 8. County Sheriffs of Colorado;
 9. The nonprofit conservation community; and
 10. The Chairperson of the Emergency Fire Fund Committee or their designee.
- C. Each of the ten principal organizations or subject-matter areas may also designate an alternate member to represent the organization in meetings of the advisory committee; who shall be a non-voting member, except in the absence of the principal, voting member.
- D. There shall also be two principal member positions that shall be non-designated for future appointment by the Director from stakeholder groups or organizations that have yet to be identified.

- E. The advisory committee shall also consist of the following non-voting members:
1. Director of the Division of Homeland Security and Emergency Management, or their designee;
 2. State Forester, Colorado State Forest Service, or their designee;
 3. Colorado State Fire Management Officer, Bureau of Land Management, or their designee;
 4. Director of Safety, Fire and Aviation Management, U.S. Forest Service, Rocky Mountain Region, or their designee;
- F. The advisory committee has the following duties relating to wildfire preparedness, response, suppression, coordination, or management, and prescribed fire:
1. To advise the director on the development of the wildfire preparedness plan required by section C.R.S. § 23-31-309(3)(a);
 2. To advise the director regarding resources, technical support, and training needed by fire departments and counties in order to adequately address wildfire risks; and
 3. To advise the director on the adoption of prescribed fire standards and training and certification standards for users of prescribed fire.
- G. The advisory committee shall annually elect from its members a chairperson and a secretary.
- H. The advisory committee shall meet as determined necessary by the chairperson or the Director of the Division of Fire Prevention and Control.
- I. The members of the advisory committee shall receive no compensation nor shall they be reimbursed for travel or other expenses incurred in the performance of their duties.

III. Duration

This Executive Order shall remain in force until modified or rescinded by a subsequent Executive Order.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this thirtieth day of
January, 2013.

A handwritten signature in black ink, appearing to read "John W. Hickenlooper", written in a cursive style.

John W. Hickenlooper
Governor

SECTION 1. In Colorado Revised Statutes, 2-3-1602, add (1.5) as follows:

2-3-1602. Wildfire matters review committee - creation - repeal of part.

(1.5) (a) IN 2014, IN ADDITION TO ANY OTHER MATTERS IT CONSIDERS, THE COMMITTEE SHALL CONSIDER THE CREATION OF A COLORADO WILDLAND AND PRESCRIBED FIRE ADVISORY COMMISSION UNDER THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, ALSO REFERRED TO IN THIS SUBSECTION (1.5) AS THE "ADVISORY COMMISSION". THE PURPOSE OF THE ADVISORY COMMISSION WILL BE TO ASSIST THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND CONTROL IN PERFORMING HIS OR HER DUTIES. THE COMMITTEE SHALL MAKE SPECIFIC FINDINGS AND RECOMMENDATIONS REGARDING THE APPROPRIATE COMPOSITION OF THE ADVISORY COMMISSION, LENGTH OF TERMS, AND THE TYPES OF EXPERTISE AND INTERESTS THAT SHOULD BE REPRESENTED.

(b) ON OR BEFORE DECEMBER 1, 2014, THE COMMITTEE SHALL SUBMIT ITS SPECIFIC RECOMMENDATIONS PERTAINING TO THE ADVISORY COMMISSION TO THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE AGRICULTURE, NATURAL RESOURCES, AND ENERGY COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. NOTHING IN THIS PARAGRAPH (b) PREVENTS THE COMMITTEE FROM PROPOSING LEGISLATION REGARDING THE CREATION OF THE ADVISORY COMMISSION.