

Advisory Committee to the Director of the Division of Fire Prevention and Control on Wildland Fire and Prescribed Fire Matters (Advisory Committee)

Recommendations to the Colorado Legislature's Interim  
Committee on Wildfire Matters  
September 4, 2015

**County Responsibility for Wildfires that Exceed Municipal Fire Department's Capabilities**

Issue: The relationship between the chief of a fire protection district, the sheriff, the board of county commissioners, and the Division of Fire Prevention and Control with respect to a wildfire is addressed in statute. However, there are no corresponding statutes that address this relationship for wildfires that occur within the boundaries of a municipality.

Commentary: This issue has not been fully vetted by the Advisory Committee. However, the Colorado State Fire Chiefs and the County Sheriffs of Colorado weighed in with their position that no legislative fix was necessary; that this could and should be addressed in an IGA between the affected county and municipality.

**Wildfire Statute Cleanup**

Issue: Following the transfer of wildland fire and prescribed fire functions to the Division of Fire Prevention and Control in 2012 there remains some issues that need to be cleaned up in statute, for example:

- The definition of wildland fires does not include WUI and WUI fires. These should be defined and be included as part of DFPC's authority.
- Agricultural land is defined differently in several statutes making it unclear what constitutes agricultural burning.
- EFF: In 24-33.5-1202(3.8), EFF is defined and the statute says it is "administered by a nine-person committee composed of county commissioners, sheriffs, fire chiefs, and the director." In 24-33.5-1220(2)(a) says that the fund "shall be administered by the division." This caused some controversy when we revamped the EFF agreement because it is unclear who should be "administering" the fund.

Commentary: This issue has not been fully vetted by the Advisory Committee, therefore there is no consensus on what issues should be addressed in a cleanup bill and how they should be addressed.

**Immunity for Disabling UAV's**

Issue: During this fire season there have been several incidents in western states involving UAS during wildfire suppression where the UAS has intruded into the TFR, resulting in aviation operations being shut down. Technology exists that would provide jurisdictional

authorities the ability to disable UAS interfering with fire operations. It is believed that CRS 18-8-102 and 18-8-104 sufficiently address obstructing government operations and obstructing firefighters, but it is unclear if the jurisdictional authority would have any liability for disabling a UAS resulting in damages.

Commentary: This issue was discussed by the Advisory Committee; however, there was no consensus on whether or not a legislative fix was necessary.

### **Reauthorization of Firefighter Safety & Disease Prevention Grant Program**

Issue: SB 14-046 created the Local Firefighter Disease Prevention and Safety Fund. The fund was established to provide needs-based grants to local fire agencies for the purpose of funding equipment and training for firefighter safety and disease prevention projects. The funding source is only identified for the first two years and is the Mineral Leasing Fund (Energy Impact Grant). In the first year of the program, funding requests total almost \$19 million with only \$3.18 million available (3% is available for M&A).

Commentary: This issue was discussed by the Advisory Committee. There is consensus that permanent funding should be sought to continue the program; however, it is also believed that a General Fund appropriation should be sought (versus the Mineral Leasing Fund).

### **Reauthorization/Increased Funding for Wildfire Mitigation Grant Program**

Issue: Senate Bill 13-269 created the Wildfire Risk Reduction Grant Program funded through the Wildfire Risk Reduction Cash Fund which included an initial \$9,800,000 transfer from the General Fund. The grants are administered by the DNR. The grant program is repealed July 1, 2018.

SB 14-022 transfers \$1,000,000 from the Severance Tax Operational Fund to the Department of Natural Resources (DNR) for the Wildfire Risk Reduction Grant program during FY 2015-16. It changes terminology to expand references to hazardous fuels and specifies treatments for the removal or reduction of vegetative fuel. Where feasible, the DNR is required to encourage a grant applicant to use veterans participating in an accredited Colorado Corps Program in wildfire mitigation activities. Without additional transfers or appropriations to the Wildfire Risk Reduction Fund, expenditures under the bill will total \$1,000,000 on July 1, 2018.

Commentary: This issue was discussed by the Advisory Committee. There is consensus that permanent funding should be sought to continue the program and the amount of funding should be increased.

### **Insurance Issues – Insurance Policy Cancellation Based on Arbitrary Criteria**

Issue: Certain insurance companies are canceling homeowner's insurance policies for homes in WUI areas following property reviews based on arbitrary criteria or in some cases based simply on the zip code of the property.

Commentary: This issue was discussed by the Advisory Committee; however, there was no consensus on what a legislative fix would look like.

### **Resource Mobilization (ROSS/WEB EOC)**

Issue: In May 2014 a working group was brought together for a LEAN event (rapid process improvement event) on the Emergency Resource Mobilization Process. The expressed objectives were to:

- Develop a unified approach to mobilizing resources at the state and interagency levels
- Eliminate redundancies and other inefficiencies in mobilization and dispatching
- Develop common protocols among the interagency dispatch centers.

Commentary: Members of the Advisory Committee expressed frustration that little progress has been made in implementing the recommendations from the LEAN event. No legislative fix was discussed.

### **Division of Fire Prevention and Control (DFPC) Funding**

Issue: DFPC funding for its wildland and prescribed fire programs for FY16 budget (the budget that covers the fiscal year beginning July 1, 2015, and closing on June 30, 2016) is as follows:

- Wildfire Preparedness Fund (\$4.15 million - Insurance Premium Taxes)
- State & Local Interagency Engines (\$622k GF)
- DFPC's Fire Aviation Program (\$9.5 million GF)
- Center of Excellence (\$1.0 million GF)
- Wildland Fire Decision Support System (\$600k GF)

Commentary: This issue was discussed by the Advisory Committee. There is consensus that DFPC should receive sufficient funding to effectively address its wildland and prescribed fire mission.