

# Colorado State Forest Service

## SB09-020 — Responsibility for Responding to Wildland Fires



### Summary

SB09-020 clarifies the roles and responsibilities of fire protection districts, county sheriffs, and the Colorado State Forest Service in responding to wildland fires. This legislation organizes the roles and responsibilities progressively from local jurisdiction to fire protection district jurisdiction to county jurisdiction to state assumption of management. The progression is based on a jurisdiction's ability to manage a fire as it grows in size and complexity. This legislation provides structure and continuity by identifying and defining common terms used within the wildland response community.

No general funds were appropriated to implement this legislation.

### The general framework described in Section 1 is as follows:

- The fire chief of the fire protection district is responsible for all fires, including wildland fires, occurring within the jurisdictional boundaries of the district.
- In the event a wildland fire exceeds the capability of the district fire chief to manage with his/her own and mutual aid resources, the responsibility for the coordination of fire suppression efforts transfers to the county sheriff.
- In these instances, the sheriff would appoint a local incident management team to provide the command and control infrastructure required to manage the fire, the sheriff also assumes financial responsibility for firefighting efforts on behalf of the county and the authority for the ordering and tracking of resources.
- The sheriff is also responsible for the planning for and the coordination of fire suppression efforts of wildfires which occur in unincorporated areas of the county outside the boundaries of a fire protection district.
- When a wildfire exceeds the capability of the county to control or extinguish, the sheriff shall be responsible for seeking the assistance of the state, by requesting assistance from the Colorado State Forest Service. The sheriff and the state forester shall enter into agreements concerning the transfer of authority and responsibility for fire suppression, and the retention of responsibilities under a unified command structure.

- When a wildland fire exceeds the capability of the county to control or extinguish, the Colorado State Forest Service may assist the sheriff in controlling or extinguishing such fires, and may assume command of such incidents with the concurrence of the sheriff, under a unified command structure.
- The Colorado State Forest Service is designated as the lead state agency for wildland fire suppression, and may provide wildland fire management services to other state agencies through memorandum of understanding or other cooperative agreements. The State Forest Service also maintains agreements with the U.S. Forest Service and other federal land management agencies for fires that exceed their management capability.

### **Additional Talking Points**

- Fire chiefs are responsible for initial response within their jurisdiction.
- Sheriffs are the county fire wardens and are responsible for planning coordination of response efforts in their county that are outside the boundaries of a Fire Protection District, or on fires that exceed the capabilities of the FPD.
- The Colorado State Forest Service (CSFS) is recognized as the lead state agency for wildland fire suppression and may assist when requested. This assistance can be of a technical nature, or it may be in the form of assuming responsibility for the management of a fire upon the request of the sheriff.
- Sheriffs may develop and update wildfire preparedness plans, and the bill specifies information to be included in such plans. The CSFS may assist in the preparation of the plan. The plan should consider all wildfire response entities in the county and define both their operational and fiscal roles.
- This legislation addresses fiscal responsibility. Each jurisdiction has fiscal responsibility within its jurisdiction. FPDs and counties have the power to levy taxes for fire protection.
- SB09-020 clarifies and identifies specific local, county, and state roles, responsibilities, and authorities for wildfire incidents in order to protect life, property, critical infrastructure, and the environment. It clarifies responsibility for responding to wildland fires by defining that role based on jurisdictional authority. It directs jurisdictions to do two things: 1) plan for fire response, and 2) respond as directed by the plan.
- SB09-20 directs wildfire responders to communicate with each other prior to the start of wildfires. Language in the bill directs local, county, state, and federal entities to prepare a response plan. Many elements of a response plan already exist in Community Wildfire Protection Plans, County Fire Plans, and Annual Operating Plans. Bringing these elements together in a response plan creates efficiencies.

- A systematic, proactive approach to the management of wildland fire incidents is needed in order to protect life, property, critical infrastructure and the environment.
- A wildland fire is an unplanned or unwanted fire in a wildland area, where the objective is to extinguish the fire.
- Response to wildland fires in Colorado is a cooperative endeavor of local, county, state, federal, and tribal entities. Each entity brings resources that complement each other and allow for successful suppression of incidents that no single entity alone could handle.
- Cooperation among wildland fire response agencies is necessary because of ownership patterns, jurisdictions, wildland fuels, population growth and distribution, and authorities.
- Over the past 25 years, the wildland fire community has adopted common terminology, common training standards, and a common organizational structure that allow all levels of responders to work together efficiently and safely.
- Local fire protection has evolved from neighbors establishing small volunteer fire departments to a combination of paid and volunteer departments to paid departments. Fire departments grew as towns incorporated and the tax base grew with the population. The Special District statute allowed support of Fire Protection Districts. While this was occurring, Colorado sheriffs continued to shoulder the responsibility for suppressing forest and prairie fires.
- The Incident Command System is a national system for the all-hazard incident management concept. The Incident Commander is responsible for the overall management of an incident.
- NIMS is the National Incident Command System. NIMS provides a consistent, nationwide template to respond, recover from, and mitigate the effects of all incidents. Its emphasis is on preparedness, mutual aid and resource management.
- Development of a Community Wildfire Protection Plan or county wildland fire plan is encouraged for planning and implementation purposes. This can be done in cooperation with county sheriffs, fire chiefs, county commissioners, the CSFS, and other local interested and involved entities.
- This approach will serve as the foundation for the management of wildland fire incidents.

Governor signed April 30, 2009.