

Utah Division of Forestry, Fire and State Lands

Wildfire Prevention and Preparedness Program Implementation Study

House Bill 145 (2022), and subsequent statute 65A-8-214, directs the Division of Forestry, Fire and State Lands (FFSL; the Division) to “study the creation of a wildfire prevention and preparedness program. As part of this study the division may evaluate different options to administer the wildfire prevention and preparedness program, including a prevention and preparedness fee imposed on qualifying property.”

Wildfires that occur on state and private lands that aren’t inside city limits are managed by FFSL and are coordinated through County Fire Wardens. The Division administers many programs and tools to address the wildfire crisis:

- Wildfire Prevention Program
- Catastrophic Wildfire Risk Reduction Strategy (CatFire)
- Shared Stewardship
- Community Wildfire Protection Plans (CWPP)
- Cooperative Wildfire System (CWS)
- Wildland Urban Interface Program (WUI)
- Fire Department Assistance Grant Program

Detailed information about these programs can be found in the [2022 Fire Strategic Plan](#) and many are discussed in detail below. The Wildfire Prevention Program *works to reduce the occurrence of unwanted, human-caused wildfires by focusing collaborative wildfire prevention education and engagement efforts in high-risk, high-occurrence areas across the state. State office and area level staff including the Prevention and Fire Communications Coordinator, Statewide Prevention Specialist, and Fire Wardens coordinate with interagency partners, local fire departments, and counties to increase public understanding of what causes wildfires and what behaviors or actions can prevent these ignitions in order to bring about positive behavioral change.* This Program differs from the prevention and preparedness program being studied as part of HB 145.

The prevention and preparedness program studied under HB145 examines:

- How the division may determine:
 - **qualifying property:** “real property that the division determines, by using the [mapping tool](#) maintained under Subsection 65A-8-203(8), is at high risk for wildfire.”
 - **wildfire preparedness action:** “one or more acts engaged in by a person or contracted for by a person that reduce the risk of wildfire on the person's qualifying property.”
 - **defensible space:** “the area adjacent to a structure where wildfire preparedness actions are implemented to provide defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.”
- How the prevention and preparedness fee is to be calculated;
- How often a person would be required to pay a prevention and preparedness fee;
- Whether to provide for a follow up reassessment schedule for administration of the wildfire prevention and preparedness program;

- How to collect a prevention and preparedness fee;
- How the division shall administer the revenue from a prevention and preparedness fee.

In preparation of this study, the Division met with numerous stakeholders and subject matter experts, including;

- Unified Fire Authority
- State Fire Chiefs
- Summit County
- Utah Property Ombudsman's Office
- Utah Tax Commissioner's Office
- FFSL Area Managers, FMOs, Fire Wardens, and WUI Specialists
- Utah Insurance Department
- State Foresters in Oregon and Montana

Additionally, the Division researched what other states and municipalities have done or have attempted to do with regards to a wildfire prevention and protection fee. The intent of this study is not to offer definitive, final solutions, but provide context and present potential actions that could lead to the creation and administration of a Prevention and Preparedness Program.

How the division may determine a qualifying property.

A qualifying property is defined as “real property that the division determines, by using the mapping tool maintained under Subsection 65A-8-203(8), is at high risk for wildfire.”¹

FFSL maintains the [Utah Wildfire Risk Assessment Portal](#) (UWRAP), which is the primary mechanism for Utah Division of Forestry, Fire, and State Lands to deploy wildfire risk information and create awareness about wildfire issues across the state. It consists of a suite of applications tailored to support specific workflow and information requirements for the public, local community groups, private landowners, government officials, hazard-mitigation planners, and wildland fire managers. Collectively these applications provide the baseline information needed to support mitigation and prevention efforts across the state.

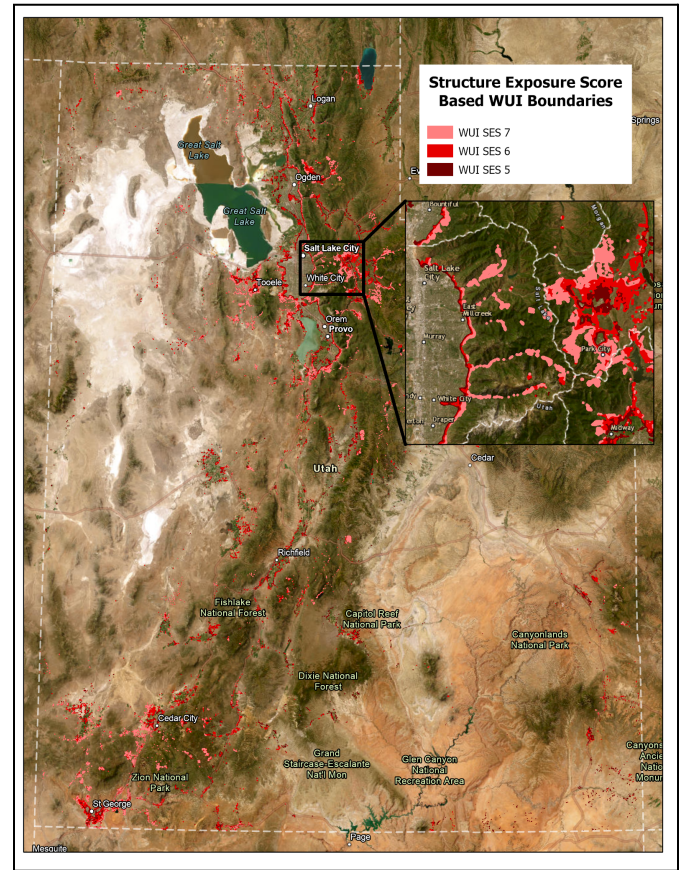
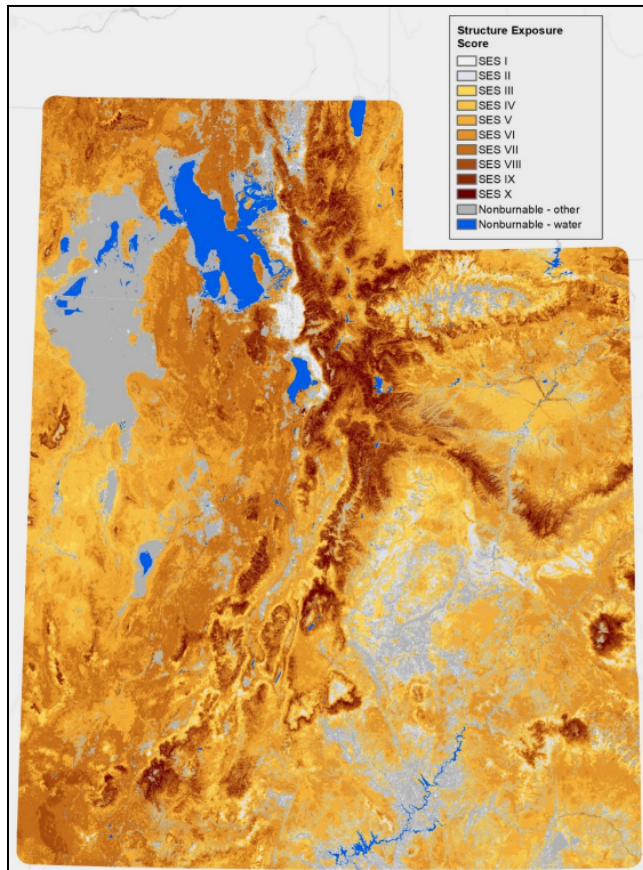
In October of 2022, FFSL updated the 2016 Wildfire Risk Assessment, using current hazard and vulnerability data to calculate wildfire risk.

Combining hazards and vulnerabilities provides a Structure Exposure Score (SES). The score identifies the potential for damage and burn probability to a structure using 10 Classes, where SES I is low risk and SES X is extreme risk.



¹ [§65A-8-214 \(1\)\(b\)](#)

By integrating the SES data with actual structures, FFSL was able to delineate potential Wildland Urban Interface (WUI) boundaries by building 250 meter buffers around structures and analyzing the SES classes against those expected structures. If there were at least two structures within 250 meters of each other and those structures fell within an SES of V or higher, it was classified as WUI.



ACTIONS

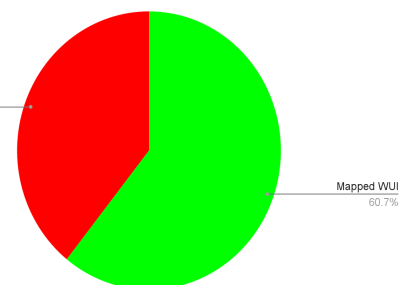
- Determine the risk level that would qualify a property
 - Example: high, very high, extreme
- Identify qualifying properties
 - Statewide? Only in Wildland Urban Interface or Intermix? What buffer?

CHALLENGES

- Not all counties have an adopted WUI code and/or official mapped boundary²
 - County code/boundary criteria differ - not consistent statewide
- WUI Code enforcement is not a state-level function. The current WUI code assigns that duty to the “Local Code Official” who has law enforcement powers. In the WUI code, this

Mapped WUI

Unmapped WUI
39.3%



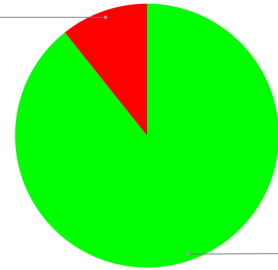
² Based on an informal survey of County Fire Wardens

function is separate from the “Building Official” who administers enforcement of the building code

- According to the Division’s Wildfire Risk Assessment, there are an estimated 175,000 to 350,000 properties in the WUI³

WUI Code adopted

Not adopted
10.7%

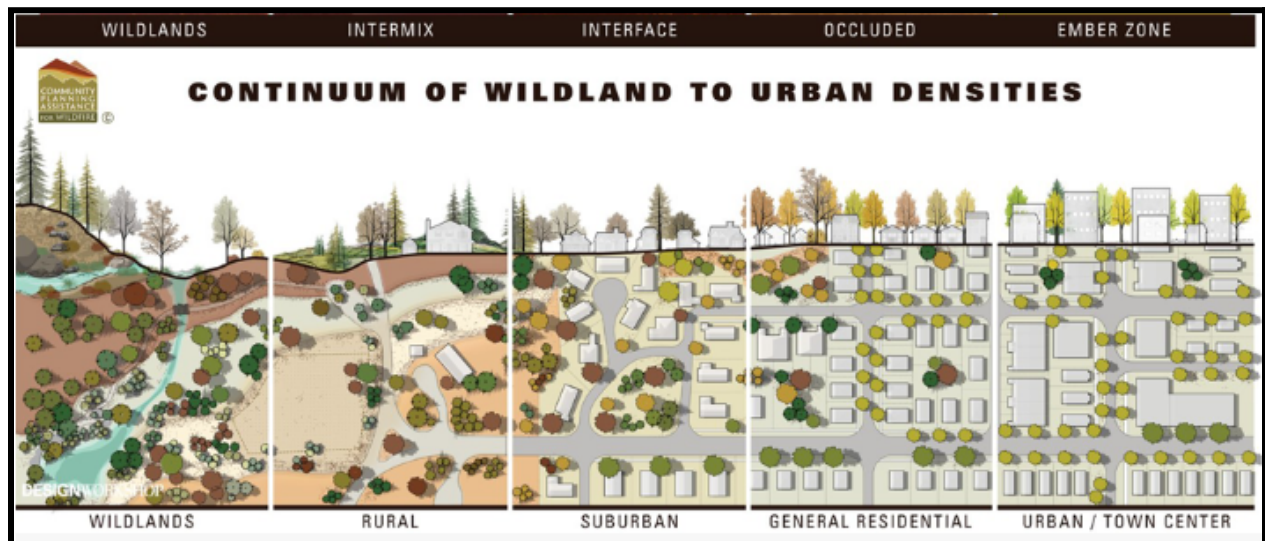


Adopted
89.3%

CONSIDERATIONS

- There are potential property insurance ramifications including rate increases and policy cancellations that occur as a result of this risk assessment.
- Hesitancy by local governments to adopt a WUI boundary.
- If a qualifying property completes wildfire preparedness activities, yet it is still in a high+ risk area, is it still “qualifying”
 - At what scale of preparedness work does the risk diminish? Is it based on individual parcels or a broader area?
- Is a fee determined by the level of risk?
 - High = \$, Very high = \$\$, Extreme = \$\$\$

4



How the division may determine wildfire preparedness action

A wildfire preparedness action is defined as “one or more acts engaged in by a person or contracted for by a person that reduce the risk of wildfire on the person’s qualifying property.”⁵

The Division currently oversees several programs that facilitate wildfire preparedness actions:

³ Preliminary calculation by FFSL, using a draft statewide WUI boundary, with varying WUI buffers

⁴ [Community Planning Assistance for Wildfire](#)

⁵ [§65A-8-214 \(1\)\(c\)](#)

Community Wildfire Protection Plans (CWPPs): The Division helps communities prepare plans that:

- Motivate and empower local government, communities, and property owners to organize, plan, and take action on issues impacting the safety and resilience of values at risk
- Enhance levels of fire resilience and protection to the communities and infrastructure
- Identify the threat of wildland fires in the area
- Identify strategies to reduce the risks to structures, infrastructure and commerce in the community during a wildfire
- Identify wildfire hazards, education, and mitigation actions needed to reduce risk
- Transfer practical knowledge through collaboration between stakeholders toward common goals and objectives

There are 141 completed CWPPs statewide, with an additional 100 in draft.

Catastrophic Wildfire Reduction Strategy (CatFire): A collaborative process to protect the health and welfare of Utahns and our lands by reducing the size and frequency of catastrophic fires through:

- Statewide Coordination of Mitigation Resources
- Catastrophic Fire Reduction Fund
- Regional Collaborative Working Groups to Perform Needs Assessment and Prioritization Across the State
- Technical Committees to Respond to Specific Concerns of Statewide Importance
- Adopting Key Recommendations from the National Cohesive Wildland Fire Management Strategy
- Increasing Public Understanding and Participation

Firewise USA: The National Fire Protection Agency (NFPA) administers the Firewise USA program, which gives communities tools to prepare for wildfires at the local level. Local communities (neighborhoods, HOAs) have the opportunity to become Firewise USA recognized by voluntarily doing activities that support fire resilience including:

- Forming a board or committee
- Completing a wildfire risk assessment with action items identified
- Implementing the action items on the list and tracking volunteer hours
- Reporting accomplishments

The Division works closely with communities to encourage participation in the program. Utah has 36 active Firewise USA communities.⁶

Cooperative Wildfire System (CWS)

CWS is based on the simple principle of risk reduction wherein the state will pay the costs of large and extended attack wildland fire (“catastrophic fires”) in exchange for local government providing initial attack and implementing prevention, preparedness, and mitigation actions that are proven to reduce the risk and costs of wildland fire in the long run.

The UWRAP risk assessment evaluation and historic fire cost average (within the jurisdictional

⁶ [State Listing of Firewise USA Participants](#)

boundary of the Participating Entity as tracked by FFSL) are combined to provide an annual “participation commitment” for the Participating Entity. The participation commitment value is not paid to FFSL or the State; instead, it is to be met by wildfire prevention, preparedness, and mitigation work—direct spending or in-kind efforts—accomplished at the local level. There are 205 county and municipal entities participating in the program.

These existing programs could be utilized and potentially expanded to accommodate a prevention and preparedness program or additional, stand-alone guidance could be created.

ACTIONS

- Determine criteria that an “action” would need to meet
- Identify ways to utilize existing programs or modify them

CHALLENGES

- Tracking actions
 - In-person assessments
 - Online self-reporting
- Frequency
- Scale
- The Division employs WUI Coordinators who help communities with these programs but they do not have permanent, identified funding that allows them to build relationships and trust with landowners and communities at the level that is needed for successful risk reduction.

CONSIDERATIONS

- Staff capacity, funding
- Duplication of efforts among multiple programs
- Consistency within and across programs

How the division may determine defensible space

Defensible space is “the area adjacent to a structure where wildfire preparedness actions are implemented to provide defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.”⁷

The concept of defensible space is simple and intuitive: reduce the flammable vegetation that fuels wildfires and you directly reduce the risk of wildfire. Studies show that keeping wildfire 100 – 200 feet away from structures should protect them from ignition in most cases. Defensible space is intended to create a low-fuel buffer and is often divided into three zones: immediate (0 - 5 feet), intermediate (5 - 30 feet), and extended (30 - 100 feet).⁸

⁷ [§65A-8-214 \(1\)\(a\)](#)

⁸ [Community Wildfire Safety Through Regulation](#)

ACTIONS

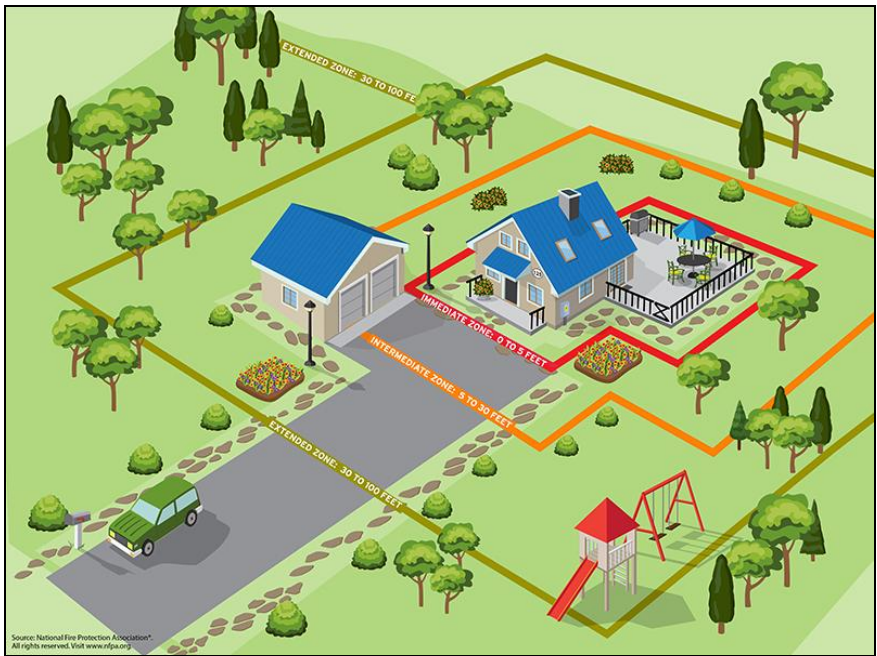
- Establish criteria for “defensible space”

CHALLENGES

- Assessing properties
- Enforcement

CONSIDERATIONS

- Local ordinances differ



How the amount of a prevention and preparedness fee is to be calculated

ACTIONS

- Determine how much funding would be necessary to conduct impactful work
- Identify how a fee schedule could be scaled based on risk

CHALLENGES

- Complicated at an individual property level - easier at a county/municipal level
- Ensuring there are no overlapping fees (e.g., property taxes already going to a fire district)

CONSIDERATIONS

- Is the incentive to complete “preparedness actions” minimized if a fee is paid - is the responsibility solely passed on to the state?
- Who bears the burden? Who is the beneficiary?
- Is the fee proportional to risk?
 - If mitigation work is done, does the fee go down/away?

How often a person would be required to pay a prevention and preparedness fee

ACTIONS

- Dependent on how a fee is assessed

CHALLENGES

- Assessing/re-assessing preparedness actions
- Staff capacity

CONSIDERATIONS

- Is the fee proportional to risk?
 - If mitigation work is done, does the fee go down/away?
- What amount of revenue is needed to create a sustainable program?

Whether to provide for a follow up reassessment schedule for administration of the wildfire prevention and preparedness program

ACTIONS

- Determine the sustainability of prevention and preparedness work and the timing of maintenance.

CHALLENGES

- Staff capacity
- Unknown factors in a new program

CONSIDERATIONS

- Require or allow landowners to perform wildfire hazard assessment of their own property to confirm or establish wildfire hazard level.
- Create a self-assessment district to maintain a fuel modification program.⁹

How to collect a prevention and preparedness fee

There are a variety of ways in which a prevention and preparedness fee could be collected and some are currently being utilized but could be expanded or modified.

PROPERTY TAXES

CHALLENGES

- Support and consistency among 29 counties

CONSIDERATIONS

- Who pays
 - Only properties in WUI?
 - Scaled based on risk?
- Would it be the same statewide?

⁹ [Wildfire Planning Guide for Idaho Communities](#)

SALES TAX

CHALLENGES

- Requires Legislative approval

CONSIDERATIONS

- Who and where would be taxed? How would the revenue be equitably distributed?

WATER USER FEE

CHALLENGES

- Water District support
- Water Districts already get a portion of property taxes

CONSIDERATIONS

- Some Districts are already partnering in programs such as Shared Stewardship

CONSTRUCTION PERMIT AND INSPECTION FEES

CHALLENGES

- Using the fees in the location they are collected

CONSIDERATIONS

- Would need to happen at a local level
- Revenue generated may not be enough to conduct meaningful work

BONDING

CHALLENGES

- Support
- Risk

CONSIDERATIONS

- May be supported at a smaller, local level

SPECIAL TAXES AND ASSESSMENT DISTRICTS

Communities and fire authorities can create dedicated sources of local funding for wildfire preparedness activities through voter-approved measures that adopt special taxes and fees. These taxes are tied to designated parcels within districts or other identified assessment areas. This can result in predictable funding to enable proactive planning for activities such as fire mitigation, infrastructure improvements, and increased services.¹⁰

CHALLENGES

- Fire Districts currently receive a portion of property taxes
- 205 entities are already participating in CWS

CONSIDERATIONS

- Often doesn't generate enough revenue for meaningful work

CWS MODIFICATIONS TO PARTICIPATION COMMITMENTS

CHALLENGES

¹⁰ [WILDLAND-URBAN INTERFACE PLANNING GUIDE Examples and Best Practices for California Communities](#)

- Ensuring the activity positively affects wildfire starts and severity
- Variable year to year, hard for entities to budget for
- In some cases the PC is so low no work can be done

CONSIDERATIONS

- This system ensures money stays local.
- There is a possibility to place an incentive on PCs to encourage implementation of a tax/fee on a local level
- A modification to the fee structure could be implemented that ensured prevention and preparedness work was completed.

GRANTS

Federal: The Division partners with federal agencies to provide wildfire planning and mitigation grants to accomplish fuel reduction work on state and private lands.

- The State Fire Assistance WUI Grant Program
- Region 4 Hazardous Fuels Grant
- BLM Community Assistance Program
- Community Wildfire Defense Grant (CWDG)

State: The Division utilizes State-funded grants for wildfire planning and mitigation.

- Catastrophic Wildfire Reduction Strategy Fund
- Watershed Restoration Initiative

CHALLENGES

- Grants are competitive and the Division currently doesn't have the capacity to dedicate resources to identifying and applying for many grant opportunities. WUI Coordinators help with these efforts but do not have permanent funding that allows them to dedicate as much time as is needed.
- Competing interests statewide- need to have a collaborative system to prioritize work and efforts.

CONSIDERATIONS

- Leveraging grants with other stakeholders and projects would be beneficial
- There are many new federal grant opportunities available and they should be actively pursued

CONSIDERATIONS COMMON TO ALL METHODS

- Duplicate fees
- Equity
- Capacity to utilize funds
- Buy-in from stakeholders
- Sustainability of revenue
- Generating enough revenue to do the work

How the division shall administer the revenue from a prevention and preparedness fee

ACTIONS

- Implementation of an Expenditure Plan
- Criteria to prioritize work

CHALLENGES

- Staff capacity
- Contractor capacity
- No mechanism in place to collect or administer

CONSIDERATIONS

- How much revenue would need to be generated to do meaningful work?
 - # of acres in the WUI in high, very high, extreme risk?
 - Cost of treatment per acre
- Summit County, CO example - Summit County Wildfire Council (various stakeholders) has a Citizen Advisory Committee for how to spend funds¹¹
 - SCWC has an on-going task list as part of their CWPP
- If a fee is paid but work is not performed based on prioritization or other factors, does the State assume liability in the event of a wildfire occurring on that property?

Summary

As evidenced by the outstanding questions and considerations above, there is no simple solution to implementing a prevention and preparedness program that includes a fee assessment. Determining qualifying properties, wildfire preparedness actions, and defensible space is a relatively straightforward task that could be accomplished with the Division's existing data and staff capacity, though tracking and monitoring actions and reassessments would require a significant increase in staff. Imposing a fee is far beyond the Division's scope and capacity and while there is general agreement among stakeholders that a prevention and preparedness program, funded through a fee system could be a valuable tool in the prevention of wildfires, there are considerable and complicated factors that would need to be further vetted and studied prior to implementing a program.

¹¹ [Community Planning Assistance for Wildfire](#)

Next Steps

The following are potential “next steps” that could progress prevention and preparedness efforts and create a better understanding of the scale and scope of the work that needs to be done.

- Statewide adoption of the WUI code
- Statewide mapping of consistent WUI boundaries
- Determine the total cost estimate for prevention work in the entire WUI
 - Initial work and maintenance work
 - Break down costs by risk level
- Determine the time and capacity needed to complete the above work
- Identify areas of priority
- Identify existing sources of funding (grants, etc)
- Create a Best Management Practices Guide for local governments
 - WUI code
 - WUI boundaries
 - Enforcement
 - Building code
 - Preparedness actions
 - Funding opportunities
- Create incentives for local governments and landowners to conduct prevention and preparedness
- An in-depth study of fee systems and how they would be implemented and revenue administered.
- An in-depth study of preparedness and prevention efforts required and how to prioritize, pay for, and conduct them.