

## Chapter 8 Management of Forest Lands and Fire Control

### Part 1 General Provisions

#### **65A-8-101 Division responsibilities for fire management and the conservation of forest, watershed, and other lands -- Reciprocal agreements for fire protection.**

- (1) The division, in consultation with local authorities, shall determine and execute the best method for protecting private and public property by:
  - (a) except as provided by Subsection (1)(d), preventing, preparing for, or mitigating the origin and spread of fire on nonfederal forest, range, watershed, or wildland urban interface land in the state;
  - (b) encouraging a landowner to conserve, protect, and manage forest or other land throughout the state;
  - (c) taking action the division considers appropriate to manage wildland fire and protect life and property on nonfederal forest, range, watershed, or wildland urban interface land within the state; and
  - (d) implementing a limited fire suppression strategy, including allowing a fire to burn with limited or modified suppression, if the division determines that the strategy is appropriate for a specific area or circumstance.
- (2) The division may:
  - (a) enter into an agreement with a public or private agency or individual:
    - (i) for the purpose of protecting, managing, or rehabilitating land owned or managed by the agency or individual; and
    - (ii) establishing a predetermined fire suppression plan, including a limited fire suppression strategy, for a specific fire management area; and
  - (b) enter into a reciprocal agreement with a fire protection organization, including a federal agency, to provide fire protection for land, and an improvement on land, for which the organization normally provides fire protection.

Amended by Chapter 174, 2016 General Session

#### **65A-8-102 State forester.**

- (1) There is created the position of state forester to carry out the provisions of this chapter.
- (2) The state forester shall be a graduate of an accredited school of forestry, technically and professionally competent, and experienced in administration.
- (3) The state forester shall be responsible to the director of the division.
- (4) In all matters pertaining to forestry and fire control in which the state recognizes a responsibility, the state forester shall be the official representative of the state.

Renumbered and Amended by Chapter 136, 2007 General Session

#### **65A-8-103 Forestry and fire control funds.**

- (1) The division shall use money available to it to meet the costs of:
  - (a) managing forest, range, watershed, and wildland urban interface fires;
  - (b) managing insect and disease epidemics;

- (c) rehabilitating or reforesting nonfederal forest, range, and watershed lands;
  - (d) promoting wildfire preparedness, wildfire mitigation, and wildfire prevention;
  - (e) restoring and maintaining landscapes ensuring landscapes across the state are resilient to wildfire-related disturbances, in accordance with fire management objectives;
  - (f) creating fire-adapted communities, ensuring that human populations and infrastructure can withstand a wildfire without loss of life or property;
  - (g) improving wildfire response, ensuring that all political subdivisions can participate in making and implementing safe, effective, and efficient risk-based wildfire management decisions;
  - (h) reducing risks to wildlife such as the greater sage grouse; and
  - (i) carrying on the purposes of this chapter.
- (2) All money available to the division to meet the costs of Subsections (1)(a) through (i) is nonlapsing and available to the division until expended.
- (3)
- (a) The collection and disbursement of all money made available to the division shall be in accordance with the rules of the Division of Finance.
  - (b) Money collected by the division from fees, rentals, sales, contributions, reimbursements, and other such sources shall be deposited in the appropriate account.

Amended by Chapter 174, 2016 General Session

**65A-8-105 Urban and community forestry program.**

- (1) An urban and community forestry program is created within the division.
- (2) The purpose of the program is to encourage the planting and maintenance of trees within municipalities and unincorporated communities.
- (3) The division may:
  - (a) advise and assist municipalities, counties, and other public and private entities in developing and coordinating policies, programs, and activities promoting urban and community forestry;
  - (b) receive, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, federal funds for the urban and community forestry program; and
  - (c) provide grants to municipalities and counties for urban and community forestry programs and cooperative projects.
- (4) The division shall:
  - (a) develop a public education program to inform tree care professionals and citizens of the hazards involved with the planting of new trees and the maintenance of existing trees near overhead power lines and highways; and
  - (b) develop and implement a program of public awareness to inform citizens about the benefits of planting trees in urban areas and how to maintain trees.

Amended by Chapter 382, 2008 General Session

**Part 2  
Fire Control**

**65A-8-201 Uncontrolled fire is a public nuisance.**

Any fire on forest, range, watershed, or wildland urban interface land in the state burning uncontrolled and without proper and adequate action being taken to manage it is a public nuisance.

Amended by Chapter 174, 2016 General Session

**65A-8-202 Fire control -- County responsibilities.**

- (1) A county shall abate the public nuisance caused by wildfire on unincorporated, privately owned or county owned forest, range, watershed, and wildland urban interface lands within its boundaries.
- (2) A county may participate in the wildland fire protection system of the division and become eligible for assistance from the state by agreement under the provisions of this chapter.
- (3) A county shall:
  - (a) reduce the risk of wildfire to unincorporated, privately owned or county owned forest, range, watershed, and wildland urban interface land within the county's boundaries, with private landowner permission, through appropriate wildfire prevention, preparedness, and mitigation actions; and
  - (b) ensure effective wildfire initial attack on unincorporated privately owned or county owned forest, range, watershed, and wildland urban interface land within the county's boundaries.
- (4) A county may assign the responsibilities described in Subsections (1) and (3) to a fire service provider or an eligible entity, as defined in Section 65A-8-203, through contract, delegation, interlocal agreement, or another method.
- (5) The state forester shall make certain that appropriate action is taken to control wildland fires on unincorporated nonfederal forest, range, watershed, and wildland urban interface lands.
- (6) Nothing in this section excuses a private landowner from complying with an applicable county ordinance.

Amended by Chapter 174, 2016 General Session

**65A-8-202.5 City and town responsibilities.**

- (1) A municipality shall abate the public nuisance caused by wildfire on forest, range, watershed, and wildland urban interface land within the boundaries of the municipality if the land is:
  - (a) privately owned; or
  - (b) owned by the municipality.
- (2) A municipality may participate in the wildland fire protection system of the division and become eligible for assistance from the state by agreement under the provisions of this chapter.
- (3) A municipality shall:
  - (a) reduce the risk of wildfire to incorporated, privately owned and municipality owned forest, range, watershed, and wildland urban interface land, with private landowner permission, through appropriate wildfire prevention, preparedness, and mitigation actions; and
  - (b) ensure effective wildfire initial attack on forest, range, watershed, and wildland urban interface land within the municipality's fire protection boundary.
- (4) A municipality may assign the responsibilities described in Subsections (1) and (3) to a fire service provider or an eligible entity, as defined in Section 65A-8-203, through contract, delegation, interlocal agreement, or another method.
- (5) The state forester shall make certain that appropriate action is taken to control wildland fires on incorporated, nonfederal forest, range, watershed, and wildland urban interface lands.

(6) Nothing in this section excuses a private landowner from complying with an applicable county ordinance.

Enacted by Chapter 174, 2016 General Session

**65A-8-203 Cooperative fire protection agreements with counties, cities, towns, or special service districts.**

(1) As used in this section:

(a) "Eligible entity" means:

(i) a county, a municipality, or a special service district, special district, or service area with:

(A) wildland fire suppression responsibility as described in Section 11-7-1; and

(B) wildland fire suppression cost responsibility and taxing authority for a specific geographic jurisdiction; or

(ii) upon approval by the director, a political subdivision established by a county, municipality, special service district, special district, or service area that is responsible for:

(A) providing wildland fire suppression services; and

(B) paying for the cost of wildland fire suppression services.

(b) "Fire service provider" means a public or private entity that fulfills the duties of Subsection 11-7-1(1).

(2)

(a) The governing body of any eligible entity may enter into a cooperative agreement with the division to receive financial and wildfire management cooperation and assistance from the division, as described in this part.

(b) A cooperative agreement shall last for a term of no more than five years and be renewable if the eligible entity continues to meet the requirements of this chapter.

(3)

(a) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire as defined in the cooperative agreement if the eligible entity has entered into, and is in full compliance with, a cooperative agreement with the division, as described in this section.

(b) A county or municipality that is not covered by a cooperative agreement with the division, as described in this section, shall be responsible for wildland fire costs within the county or municipality's jurisdiction, as described in Section 65A-8-203.2.

(4) To enter into a cooperative agreement with the division, the eligible entity shall:

(a) if the eligible entity is a county, adopt and enforce on unincorporated land a wildland fire ordinance based upon minimum standards established by the division or Uniform Building Code Commission;

(b) require that the fire department or equivalent fire service provider under contract with, or delegated by, the eligible entity on unincorporated land meet minimum standards for wildland fire training, certification, and suppression equipment based upon nationally accepted standards as specified by the division;

(c) invest in prevention, preparedness, and mitigation efforts, as agreed to with the division, that will reduce the eligible entity's risk of catastrophic wildfire;

(d)

(i) file with the division an annual accounting of wildfire prevention, preparedness, mitigation actions, and associated costs;

(ii) meet the eligible entity's participation commitment by making direct payments to the division; or

(iii) do a combination of Subsections (4)(d)(i) and (ii);

- (e) return the financial statement described in Subsection (6), signed by the chief executive of the eligible entity, to the division on or before the date set by the division; and
  - (f) if the eligible entity is a county, have a designated fire warden as described in Section 65A-8-209.1.
- (5)
- (a) The state forester may execute a cooperative agreement with the eligible entity.
  - (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the:
    - (i) cooperative agreements described in this section;
    - (ii) manner in which an eligible entity shall provide proof of compliance with Subsection (4);
    - (iii) manner by which the division may revoke a cooperative agreement if an eligible entity ceases to meet the requirements described in this section;
    - (iv) accounting system for determining suppression costs;
    - (v) manner in which the division shall determine the eligible entity's participation commitment; and
    - (vi) manner in which an eligible entity may appeal a division determination.
- (6)
- (a) The division shall send a financial statement to each eligible entity participating in a cooperative agreement that details the eligible entity's participation commitment for the coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to under Subsection (4)(c).
  - (b) Each eligible entity participating in a cooperative agreement shall:
    - (i) have the chief executive of the eligible entity sign the financial statement, or the legislative body of the eligible entity approve the financial statement by resolution, confirming the eligible entity's participation for the upcoming year; and
    - (ii) return the financial statement to the division, on or before a date set by the division.
  - (c) A financial statement shall be effective for one calendar year, beginning on the date set by the division, as described in Subsection (6)(b).
- (7)
- (a) An eligible entity may revoke a cooperative agreement before the end of the cooperative agreement's term by:
    - (i) informing the division, in writing, of the eligible entity's intention to revoke the cooperative agreement; or
    - (ii) failing to sign and return its annual financial statement, as described in Subsection (6)(b), unless the director grants an extension.
  - (b) An eligible entity may not revoke a cooperative agreement before the end of the term of a signed annual financial statement, as described in Subsection (6)(c).
- (8)
- (a) The division shall develop and maintain a wildfire risk assessment mapping tool that is online and publicly accessible.
  - (b)
    - (i) The division shall analyze adding an additional high-risk category within the wildfire risk assessment mapping tool described in Subsection (8)(a):
      - (A) using a scientific assessment; and
      - (B) that is focused on the risk to dwellings within the wildland-urban interface area.
    - (ii) The division shall report the results of the division's analysis under this Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the 2024 November interim meeting of that committee.

- (c) With regard to the categories used within the wildfire risk assessment mapping tool described in Subsection (8)(a), the division may adjust the assessment for participation commitments if the adjustment is based on the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor, in accordance with a formula established by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 77, 2024 General Session

**65A-8-203.1 Delegation of fire management authority.**

- (1) As used in this section, "delegation of fire management authority" means the acceptance by the division of responsibility for:
  - (a) managing a wildfire; and
  - (b) the cost of fire suppression, as described in Section 65A-8-203.
- (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the process for delegation of fire management authority.
- (3) Upon delegation of fire management authority, the division and its named designee becomes the primary incident commander.

Enacted by Chapter 174, 2016 General Session

**65A-8-203.2 Billing a county or municipality not covered by a cooperative agreement -- Calculating cost of wildfire suppression.**

- (1) The division shall bill a county that is not covered by a cooperative agreement with the division, as described in Section 65A-8-203, for the cost of wildfire suppression within the jurisdiction of that county accrued by the state.
- (2) The division shall bill a municipality that is not covered by a cooperative agreement with the division, as described in Section 65A-8-203, for the cost of wildfire suppression within the jurisdiction of that municipality accrued by the state.
- (3) The cost of wildfire suppression to a county or municipality that is not covered by a cooperative agreement with the division, as described in Section 65A-8-203, shall be calculated by determining the number of acres burned within the borders of a county or municipality, dividing that number by the total number of nonfederal acres burned by a wildfire, and multiplying the resulting percentage by the state's total cost of wildfire suppression for that wildfire.
- (4) A county or municipality that receives a bill from the division, pursuant to this section, shall pay the bill, or make arrangements to pay the bill, within 90 days of receipt of the bill, subject to the county or municipality's right to appeal, as described in Subsection 65A-8-203(5)(b)(vi).

Amended by Chapter 77, 2024 General Session

**65A-8-204 Wildland Fire Suppression Fund created.**

- (1) There is created an expendable special revenue fund known as the "Wildland Fire Suppression Fund."
- (2) The Wildland Fire Suppression Fund shall be administered by the division to pay wildfire suppression costs on eligible lands, as wildfire suppression costs are defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including for an eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203.

- (3) Subject to Section 65A-8-213, the contents of the Wildland Fire Suppression Fund shall include:
- (a) interest and earnings from the investment of fund money;
  - (b) money appropriated by the Legislature;
  - (c) federal funds received by the division for wildfire management costs;
  - (d) suppression costs billed to an eligible entity that does not participate in a cooperative agreement;
  - (e) suppression costs paid to the division by another state agency;
  - (f) costs recovered from settlements and civil or administrative actions related to wildfire suppression;
  - (g) restitution payments ordered by a court following a criminal adjudication;
  - (h) the balance of the fund as of July 1, 2016;
  - (i) money deposited by the Division of Finance, pursuant to Section 59-21-2; and
  - (j) money transferred by the Division of Finance, pursuant to Section 63J-1-314.
- (4) Fund money shall be invested by the state treasurer with the earnings and interest accruing to the Wildland Fire Suppression Fund.

Amended by Chapter 153, 2023 General Session

**65A-8-206 Disbursements from the Wildland Fire Suppression Fund.**

- (1) Disbursements from the fund created in Section 65A-8-204 shall be made only upon written order of the state forester or the state forester's authorized representative.
- (2) If the state forester determines money in the fund may be insufficient to cover eligible costs in a program year, the state forester may:
  - (a) delay making disbursements from the fund until the close of the program year; and
  - (b) request supplemental appropriations from the Legislature.

Amended by Chapter 174, 2016 General Session

**65A-8-207 Division to administer Wildland Fire Suppression Fund -- Rulemaking -- Procedures.**

By following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules to administer the Wildland Fire Suppression Fund.

Amended by Chapter 174, 2016 General Session

**65A-8-209 Responsibilities of county sheriffs and fire wardens in controlling fires.**

- (1) In a county that has not entered into a cooperative agreement as described in Section 65A-8-203, the county sheriff shall take appropriate action to suppress wildfires on state or private lands.
- (2) In all cases the county sheriff shall:
  - (a) report, as prescribed by the state forester, on wildland fire control action;
  - (b) investigate and report wildfire causes; and
  - (c) enforce the provisions of this chapter either independently or in cooperation with the state forester.
- (3) In an eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203, the primary responsibility for wildfire management is the division, upon the delegation of fire management authority, as described in Section 65A-8-203.1.

- (4) The county sheriff and the county sheriff's organization shall maintain cooperative support of the fire management organization.

Amended by Chapter 174, 2016 General Session

**65A-8-209.1 County fire warden.**

- (1) As used in this section, "participating county" means a county that participates in a cooperative agreement with the division, as described in Section 65A-8-203.

- (2)
  - (a) A county fire warden who is employed by the division as a county fire warden full-time and year round shall represent a participating county, except as provided in Subsections (2)(b) and (c).
  - (b) A county of the fifth class that, as of January 1, 2016, is cost-sharing a county fire warden with an adjacent county may continue to do so with the approval of the state forester.
  - (c) A county of the sixth class may cost-share a county fire warden with an adjacent county, with the approval of the state forester.
- (3)
  - (a) The salary and benefits paid to a county fire warden shall be:
    - (i) divided by the division and the county; or
    - (ii) paid partly by the division with the remainder shared by agreement between the counties the county fire warden represents.
  - (b) The division may annually increase the amount agreed to for the county portion if:
    - (i) the increase takes effect at the beginning of a calendar year;
    - (ii) the division provides the participating county six months notice before the increase takes effect; and
    - (iii) the increase is based on the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor, in accordance with a formula established by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4)
  - (a) The division shall employ the county fire wardens.
  - (b) An individual who is employed by a county as a county fire warden on or before January 1, 2016, is not subject to the requirement to be employed by the division.

Amended by Chapter 219, 2022 General Session

**65A-8-210 Fire control on state-owned lands -- Responsibilities of state agencies.**

- (1) The division shall abate the public nuisance caused by wildfire on state-owned forest, range, watershed, and wildland urban interface lands.
- (2) State agencies responsible for the administration of state-owned lands shall recognize the need for providing wildland fire protection and the responsibility for reducing the risk of wildfire through appropriate wildfire prevention, preparedness, and mitigation actions.

Amended by Chapter 174, 2016 General Session

**65A-8-211 Closed fire season -- Notice -- Violations -- Red Flag Warnings -- Burning permits -- Personal liability -- Exemptions from burning permits.**

- (1) As used in this section:



- (a) "Applicable public safety answering point" means a public safety answering point or dispatch center, as those terms are defined in Section 63H-7a-103, for the jurisdiction where a burning occurs.
  - (b) "Cultivated land" means land that is not enrolled in a conservation reserve program that is readily identifiable as:
    - (i) land whose soil is loosened or broken up for the raising of crops;
    - (ii) land used for the raising of crops; or
    - (iii) pasturage that is artificially irrigated.
  - (c) "Field" means land where grass, grain, stubble, or hay may be burned in accordance with this section.
  - (d) "Red Flag Warning" means a weather forecast issued by the National Weather Service on a publicly available website or notification system indicating that weather conditions associated with the outbreak of wildfires are occurring.
- (2)
- (a) The period from June 1 to October 31 of each year is a closed fire season throughout the state.
  - (b) The state forester may advance or extend the closed season wherever and whenever that action is necessary.
  - (c) The state forester shall notify the public of the alteration of the closed season by posting the appropriate proclamation on the division's website and on the Utah Public Notice Website, created in Section 63A-16-601, for at least seven days in advance of the date the change is effective.
- (3) During the closed fire season, an individual is guilty of a class C misdemeanor if the individual sets on fire, or causes to be set on fire:
- (a)
    - (i) a forest;
    - (ii) brush;
    - (iii) range;
    - (iv) a field;
    - (v) cultivated land; or
    - (vi) a debris pile; and
  - (b) without:
    - (i) first securing a written permit from the state forester or a deputy designated by the state forester;
    - (ii) complying fully with the permit described in Subsection (3)(b)(i); and
    - (iii) subject to Subsection (10), first notifying the state forester, the state forester's designee, or the applicable public safety answering point of the approximate time the burning will occur.
- (4) During a period when a Red Flag Warning is issued, an individual is guilty of a class C misdemeanor if the individual sets on fire, or causes to be set on fire:
- (a)
    - (i) a forest;
    - (ii) brush;
    - (iii) range;
    - (iv) a field;
    - (v) cultivated land;
    - (vi) a fence line;
    - (vii) a canal; or
    - (viii) an irrigation ditch; and

- (b) without:
  - (i) first securing a written permit from the state forester or a deputy designated by the state forester;
  - (ii) complying fully with the permit described in Subsection (4)(b)(i); and
  - (iii) subject to Subsection (10), first notifying the state forester, the state forester's designee, or the applicable public safety answering point of the approximate time the burning will occur.
- (5) The state forester or the state forester's designee shall issue burning permits using the form prescribed by the division.
- (6)
  - (a) The burning permit does not relieve an individual from personal liability as a result of damage caused by the fire.
  - (b) A fire escaping control of the permittee that necessitates fire control action or does injury to the property of another is prima facie evidence that due care was not used in the burning and that the fire was not safe.
- (7) The following may refuse, revoke, postpone, or cancel a permit if the person finds that it is necessary in the interest of public safety:
  - (a) the state forester;
  - (b) a state forester's designee; or
  - (c) a county sheriff if there is no cooperative agreement with the division as described in Section 65A-8-203.
- (8)
  - (a) Except for during a Red Flag Warning as described in Subsection (4)(a), a burning permit is not required:
    - (i) for the burning within 10 feet of:
      - (A) fence lines on cultivated lands;
      - (B) the banks of canals; or
      - (C) the banks of irrigation ditches; and
    - (ii) if:
      - (A) the burning does not pose a threat to forest, range, or watershed lands;
      - (B) due care is used in the control of the burning; and
      - (C) subject to Subsection (10), the individual notifies the state forester, the state forester's designee, or the applicable public safety answering point of the approximate time the burning will occur.
  - (b) For a burning with or without a permit, an individual is guilty of a class C misdemeanor if the individual fails to notify, subject to Subsection (10), the state forester, the state forester's designee, or the applicable safety answering point of a burning as required by this section.
- (9) A burning conducted in accordance with Subsection (8) is not a reckless burning under Section 76-6-104 unless the fire escapes control and requires fire control action.
- (10)
  - (a) The state forester or state forester's designee shall annually determine the notification process for a jurisdiction after receiving approval from the following for the jurisdiction:
    - (i) the applicable municipal chief, county fire warden, or state forester's designee; and
    - (ii) the governing body of the one or more applicable public safety answering points.
  - (b) On June 1 of each year, beginning with June 1, 2023, the state forester or state forester's designee shall publish for each jurisdiction the notification process adopted under Subsection (10)(a) on the division's website and on the Utah Public Notice Website created in Section 63A-16-601.

- (c) If the state forester or state forester's designee cannot determine the notification process for a jurisdiction, a person is required to notify the applicable public safety answering point.

Amended by Chapter 153, 2023 General Session

**65A-8-212 Power of state forester to close hazardous areas -- Violations of an order closing an area.**

- (1)
  - (a) If the state forester finds conditions in a given area in the state to be extremely hazardous, "extremely hazardous" means categorized as "extreme" under a nationally recognized standard for rating fire danger, he shall close those areas to any forms of use by the public, or to limit that use, except as provided in Subsection (5).
  - (b) The closure shall include, for the period of time the state forester considers necessary, the prohibition of open fires, and may include restrictions and prohibitions on:
    - (i) smoking;
    - (ii) the use of vehicles or equipment;
    - (iii) welding, cutting, or grinding of metals;
    - (iv) subject to Subsection (5), fireworks;
    - (v) explosives; or
    - (vi) the use of firearms for target shooting.
  - (c) Any restriction or closure relating to firearms use:
    - (i) shall be done with support of the duly elected county sheriff of the affected county or counties;
    - (ii) shall undergo a formal review by the State Forester and County Sheriff every 14 days; and
    - (iii) may not prohibit a person from legally possessing a firearm or lawfully participating in a hunt.
  - (d) The State Forester and County Sheriff shall:
    - (i) agree to the terms of any restriction or closure relating to firearms use;
    - (ii) reduce the agreement to writing;
    - (iii) sign the agreement indicating approval of its terms and duration; and
    - (iv) complete the steps in Subsections (1)(d)(i) through (d)(iii) at each 14 day review and at termination of the restriction or closure.
- (2) Nothing in this chapter prohibits any resident within the area from full and free access to his home or property, or any legitimate use by the owner or lessee of the property.
- (3) The order or proclamation closing or limiting the use in the area shall set forth:
  - (a) the exact area coming under the order;
  - (b) the date when the order becomes effective; and
  - (c) if advisable, the authority from whom permits for entry into the area may be obtained.
- (4) Any entry into or use of any area in violation of this section is a class B misdemeanor.
- (5) The state forester may not restrict or prohibit the discharge of fireworks within the municipal boundaries of a city or town.

Amended by Chapter 438, 2024 General Session

**65A-8-213 Creation of the Wildland Fire Preparedness Grants Fund -- Awarding of grants -- Rulemaking.**

- (1)

- (a) There is created an expendable special revenue fund known as the "Wildland Fire Preparedness Grants Fund."
  - (b) The Wildland Fire Preparedness Grants Fund shall consist of:
    - (i) voluntary contributions received;
    - (ii) appropriations the Legislature makes to the Wildland Fire Preparedness Grants Fund;
    - (iii) 10% of the costs recovered annually related to wildfire suppression described in Subsections 65A-8-204(3)(f) and (g); and
    - (iv) interest or other earnings accrued in accordance with Subsection (1)(c)(ii).
  - (c) The state treasurer shall:
    - (i) invest the money in the Wildland Fire Preparedness Grants Fund described in Subsection (1)(a) following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and
    - (ii) deposit all interest or other earnings derived from each investment described in Subsection (1)(c)(i) into the Wildland Fire Preparedness Grants Fund.
- (2)
- (a) The state forester shall make one or more grants from the Wildland Fire Preparedness Grants Fund to one or more local fire departments or volunteer fire departments to assist in building capacity for the suppression of wildland fire.
  - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules establishing criteria for receiving a grant under this section.

Amended by Chapter 153, 2023 General Session

**65A-8-215 Wildland-urban interface fire prevention, preparedness, and mitigation.**

- (1) As used in this section:
- (a) "Prevention, preparedness, and mitigation fund" means the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created in this section.
  - (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section 65A-8-204.
  - (c) "Wildland-urban interface" means the zone where structures and other human development meets, or intermingles with, undeveloped wildland.
- (2)
- (a) There is created an expendable special revenue fund known as the "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund."
  - (b) The prevention, preparedness, and mitigation fund shall consist of:
    - (i) interest and earnings from the investment of money from the prevention, preparedness, and mitigation fund;
    - (ii) money received as direct payment from cooperative wildfire system participation commitments;
    - (iii) money appropriated by the Legislature; and
    - (iv) money transferred to the prevention, preparedness, and mitigation fund under Section 63J-1-314.
  - (c) The division shall administer the prevention, preparedness, and mitigation fund to:
    - (i) pay costs of prevention and preparedness efforts on wildland-urban interface within the state, as defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an eligible entity that has entered into a cooperative agreement, as described in Section 65A-8-203;
    - (ii) issue fire department assistance grants, which in the aggregate may not exceed 10% of the money in the prevention, preparedness, and mitigation fund each fiscal year; and

- (iii) in cases of catastrophic need as determined by the state forester, pay costs that could be paid from the suppression fund under Section 65A-8-204.
  - (d) Disbursements from the prevention, preparedness, and mitigation fund may only be made upon written order of the state forester or the state forester's authorized representative.
- (3)
- (a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish criteria for community wildfire preparedness plans addressing wildland-urban interface. The criteria shall require action that is:
    - (i) qualitative and quantitative; and
    - (ii) leads to reduced wildfire risk.
  - (b) An eligible entity, as defined in Section 65A-8-203, shall agree to implement prevention, preparedness, and mitigation actions identified in a community wildfire preparedness plan addressing wildland-urban interface that is approved by the division.

Amended by Chapter 77, 2024 General Session

### **Part 3 Heritage Trees**

#### **65A-8-301 Legislative finding and purpose.**

- (1) The Legislature finds the health and welfare of the people of the state require the preservation of certain rare, or threatened, or vanishing species of trees to preserve the state's scenic beauty and preserve its historic past as it relates to such trees.
- (2) It is the intent of this part to retain as many heritage trees as possible consistent with the reasonable and economic enjoyment of private property.

Renumbered and Amended by Chapter 136, 2007 General Session

#### **65A-8-302 Definitions.**

As used in this part:

- (1) "Alter" means to change the configuration of a heritage tree by pruning, trimming, topping, cutting, or by any other means.
- (2) "Division" means the Division of Forestry, Fire, and State Lands.
- (3) "Heritage tree" means any tree or group of trees designated as such by the division, in accordance with the following criteria:
  - (a) any live tree or group of trees indigenous to the state, or which has adapted exceptionally well to the climatic conditions of the state, or is one of a kind;
  - (b) any tree or group of trees that has exceptional national, state, or local historic significance;
  - (c) any tree or group of trees which has an exceptional size or exceptional form for its species;
  - (d) any tree or group of trees which has an exceptional age for its species; or
  - (e) any tree or group of trees in the state which is the sole representative of its species.
- (4) "Person" means any individual, partnership, corporation, or association.

Amended by Chapter 507, 2024 General Session

#### **65A-8-303 Application to alter or remove trees.**

- (1) Any person that desires to alter or remove one or more heritage trees from any public property within this state shall before altering or removing any such tree make application to the division on forms prescribed by it.
- (2) An application for alteration or removal shall be filed with the division at least 60 days before the actual alteration or removal of any such trees.
- (3) The application shall state:
  - (a) the name of the applicant;
  - (b) the number, location, and species of the trees proposed to be altered or removed;
  - (c) the reason for alteration or removal; and
  - (d) other information as the division may reasonably require.

Renumbered and Amended by Chapter 136, 2007 General Session

**65A-8-304 Guidelines and standards for granting or denying applications to alter or remove trees.**

The division shall consider the following criteria in granting or denying an application:

- (1) the physical condition of the heritage tree or trees with respect to:
  - (a) insect infestation;
  - (b) disease;
  - (c) danger of falling;
  - (d) proximity to existing or proposed structures; and
  - (e) interference with utility services;
- (2) the necessity of alteration or removal of the heritage tree or trees in order to construct proposed improvements and allow economic enjoyment of property;
- (3) the topography of the land and the effect of removal of the heritage tree or trees on:
  - (a) erosion;
  - (b) soil retention; and
  - (c) the diversion or increased flow of surface waters resultant upon alteration or removal;
- (4) the number of heritage trees existing in the neighborhood on improved property;
- (5) the effect alteration or removal would have on established standards and property values in the area; and
- (6) the number of heritage trees the particular parcel can support according to good forestry practices.

Amended by Chapter 507, 2024 General Session

**65A-8-305 Powers of division.**

The division may:

- (1) grant or deny applications for designation of heritage trees from individuals, local shade tree commissions, or local governments;
- (2) grant or deny applications for alteration or removal of heritage trees;
- (3) acquire land if one or more heritage trees are located on the land;
- (4) accept gifts, bequests, or donations; and
- (5) determine policies necessary to carry out this part.

Renumbered and Amended by Chapter 136, 2007 General Session

**65A-8-307 Exemption for emergency or permit.**

This part shall not apply to any emergency when heritage trees constitute a danger to life or property, or to any person whose application for alteration or removal of a heritage tree has been granted by the division.

Renumbered and Amended by Chapter 136, 2007 General Session

**65A-8-308 Enforcement -- Prosecution of violations.**

- (1) The Division of Law Enforcement, county sheriffs, police, and other law enforcement officers within their respective jurisdictions are responsible for the enforcement of this part.
- (2) The county attorney or district attorney shall prosecute any violation of this part.

Amended by Chapter 80, 2024 General Session

**65A-8-309 Injury -- Violation of part -- Misdemeanor.**

Any person who intentionally or knowingly alters, injures, damages, or causes death of a heritage tree or who otherwise violates this part is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 136, 2007 General Session

Amended by Chapter 229, 2007 General Session