

UTAH FOREST PRACTICES ACT

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Craig W. Buttars

This act modifies provisions related to the Division of Forestry, Fire and State Lands and enacts the Utah Forest Practices Act. This act requires the registration of operators and notification by operators of intent to conduct forest practices. This act directs the Division of Forestry, Fire and State Lands to promote the implementation of Forest Water Quality Guidelines, and allows the division to request reports from operators to monitor these guidelines. This act allows the Division of Forestry, Fire and State Lands to provide technical assistance to landowners regarding forest practices.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

65A-8a-101, Utah Code Annotated 1953

65A-8a-102, Utah Code Annotated 1953

65A-8a-103, Utah Code Annotated 1953

65A-8a-104, Utah Code Annotated 1953

65A-8a-105, Utah Code Annotated 1953

65A-8a-106, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **65A-8a-101** is enacted to read:

CHAPTER 8a. UTAH FOREST PRACTICES ACT

65A-8a-101. Title.

This chapter is known as the "Utah Forest Practices Act."

Section 2. Section **65A-8a-102** is enacted to read:

65A-8a-102. Definitions.

As used in this chapter:



- 28 (1) (a) "Forest practice" means, except as provided in Subsection (1)(b):
29 (i) the harvesting of trees;
30 (ii) **h NEW h** road construction associated with harvesting or accessing trees;
31 (iii) site preparation for regeneration of a timber stand;
32 (iv) reforestation; or
33 (v) the management of logging slash.
34 (b) "Forest practice" does not include:
35 (i) the operation of a nursery or Christmas tree farm;
36 (ii) the harvest of Christmas trees;
37 (iii) the harvest of trees for the noncommercial, personal use of the owner of forested land
38 from which the trees are harvested; or
39 (iv) a harvesting operation encompassing fewer than 20 contiguous acres of forested land.
40 (2) "Forested land" means land, except land owned by the federal government, growing
41 tree species which are, or could be at maturity, capable of furnishing raw material used in the
42 manufacture of lumber or other forest products.
43 (3) "Forest Water Quality Guidelines" means the field-applicable practice guidelines
44 adopted by the division for use during forestry activities to protect water quality and contained
45 within a nonpoint source management plan.
46 (4) "Landowner" means a person who holds an ownership interest in forested land.
47 (5) "Operator" means a person who:
48 (a) is responsible for conducting forest practices; or
49 (b) through a contractual agreement with the landowner, is obligated to or entitled to
50 conduct forest practices or to carry out a timber sale.
51 Section 3. Section **65A-8a-103** is enacted to read:
52 **65A-8a-103. Registration of operators.**
53 (1) An operator intending to conduct forest practices in Utah, except a landowner
54 conducting forest practices on his or her own land, shall register with the division.
55 (2) The operator shall submit the following information to the division:
56 (a) the name of the company;
57 (b) the name of the state where the company is incorporated; and
58 (c) the name, telephone number, and address of a company officer and an on-the-ground

59 supervisor.

60 (3) In consultation with industry representatives, the division may establish, by rule,
 61 minimum requirements for registration of operators in accordance with Title 63, Chapter 46a, Utah
 62 Administrative Rulemaking Act.

63 (4) The division shall make available to landowners a list of registered operators.

64 Section 4. Section **65A-8a-104** is enacted to read:

65 **65A-8a-104. Notification of intent to conduct forest practices.**

66 (1) No later than 30 days prior to an operator commencing forest practices, the operator
 67 shall notify the division of the operator's intent to conduct forest practices.

68 (2) The notification shall include:

69 (a) the name and address of the operator;

70 (b) a legal description of the area in which the forest practices are to be conducted;

71 (c) a description of the proposed forest practices to be conducted, including the number
 72 of acres with timber to be harvested;

73 (d) maps or other visual aids showing the location of water bodies and courses ~~h~~ [and] , ~~h~~
 73a existing ~~h~~ ROADS, ~~h~~

74 and ~~h~~ [planned] ~~h~~ roads ~~h~~ WHICH THE OPERATOR PLANS TO CONSTRUCT ~~h~~ ; and

75 (e) the expected dates of commencement and completion of the proposed forest practices.

76 (3) Upon the receipt of notification, the division shall, within ten days, mail to the
 77 operator:

78 (a) an acknowledgment of notification;

79 (b) information on Forest Water Quality Guidelines; and

80 (c) any other information the division believes would assist the landowner and operator
 81 in conducting forest practices.

82 Section 5. Section **65A-8a-105** is enacted to read:

83 **65A-8a-105. Division to promote implementation of Forest Water Quality Guidelines.**

84 (1) The division shall promote implementation of Forest Water Quality Guidelines before,
 85 during, and after the conduct of forest practices on forested land in order to:

86 (a) preserve water quality and soil stability;

87 (b) prevent the hazard of fire and insect infestation;

88 (c) minimize waste of timber resources; and

89 (d) protect the regenerative and productive capacity of forested land.

90 (2) The division, in cooperation with Utah State University Extension Services:
 91 (a) shall implement a program to develop demonstration areas, books, brochures,
 92 informational material, seminars and workshops, and other aids to display correct application of
 93 the Forest Water Quality Guidelines; and

94 (b) may aid private landowners by providing technical assistance to landowners and
 95 operators in implementing Forest Water Quality Guidelines.

96 (3) To monitor implementation of Forest Water Quality Guidelines, evaluate impacts to
 97 water quality, and ascertain levels of forest harvesting, the division may request from any
 97a h REGISTERED h operator
 98 a report of where, when, what, and how much timber has been harvested.

99 Section 6. Section **65A-8a-106** is enacted to read:

100 **65A-8a-106. Division to provide technical assistance.**

101 (1) The division may provide:

102 (a) advice and technical assistance to landowners h AND OPERATORS h by:

103 (i) developing forest stewardship plans;

104 (ii) developing harvest or forest management plans; and

105 (iii) developing programs and activities promoting stewardship of forest and other lands;

106 (b) information about tax incentives or other financial incentives designed to enhance the
 107 productive potential of forested land; or

108 (c) federal cost-share incentives to eligible nonindustrial, private forest landowners if
 109 available.

110 (2) The division, in cooperation with Utah State University Extension Services shall:

111 (a) develop and implement a public education and awareness program to inform citizens
 112 about the benefits of long-term stewardship of forest and other lands; and

113 (b) provide technical assistance to landowners in developing management plans that may
 114 be required for financial incentive programs.

Legislative Review Note

as of 2-7-01 6:41 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel