

UTAH FOREST PRACTICES ACT

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: Kerry W. Gibson

LONG TITLE

General Description:

This bill amends Title 65A, Chapter 8a, Utah Forest Practices Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses notification of intent to conduct forest practices by operators;
- ▶ provides penalties for a violation of the act;
- ▶ requires the Division of Forestry, Fire, and State Lands to make administrative rules governing a forest stewardship plan; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

65A-8a-102, as enacted by Laws of Utah 2001, Chapter 80

65A-8a-104, as enacted by Laws of Utah 2001, Chapter 80

65A-8a-106, as enacted by Laws of Utah 2001, Chapter 80



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

Section 1. Section **65A-8a-102** is amended to read:

65A-8a-102. Definitions.

As used in this chapter:

(1) "Commercial tree species" means:

(a) *Abies concolor* (white fir);

(b) *Abies lasiocarpa* (subalpine fir);

(c) *Juniperus osteosperma* (Utah juniper);

(d) *Juniperus scopulorum* (Rocky Mountain juniper);

(e) *Picea engelmannii* (Engelmann spruce);

(f) *Picea pungens* (blue spruce);

(g) *Pinus contorta* (lodgepole pine);

(h) *Pinus edulis* (piñon pine);

(i) *Pinus flexilis* (limber pine);

(j) *Pinus longaeva* (bristlecone pine);

(k) *Pinus monophylla* (singleleaf piñon);

(l) *Pinus ponderosa* (ponderosa pine);

(m) *Populus tremuloides* (quaking aspen);

(n) *Pseudotsuga menziesii* (Douglas fir); or

(o) *Quercus gambelii* (gambel oak).

~~[(+)]~~ (2) (a) "Forest practice" means, except as provided in Subsection ~~[(+)]~~ (2)(b):

(i) the harvesting of [~~trees~~] commercial tree species;

(ii) new road construction associated with harvesting or accessing trees;

(iii) site preparation for regeneration of a timber stand;

(iv) reforestation; or

(v) the management of logging slash.

(b) "Forest practice" does not include:

(i) the operation of a nursery or Christmas tree farm;

(ii) the harvest of Christmas trees;

(iii) the harvest of trees for the noncommercial, personal use by the owner of forested

59 land from which the trees are harvested; ~~[or]~~

60 (iv) a harvesting operation encompassing fewer than ~~[10]~~ five contiguous acres of
61 forested land~~[-];~~

62 (v) clearing land for defensible space in a wildland-urban interface; or

63 (vi) fuel reduction for a wildland-urban interface or hazardous fuel reduction project.

64 ~~[(2)]~~ (3) "Forested land" means land, except land owned by the federal government or
65 located within an incorporated city, growing commercial tree species ~~[which]~~ that are, or could
66 be at maturity, capable of furnishing raw material used in the manufacture of lumber or other
67 forest products.

68 ~~[(3)]~~ (4) "Forest Water Quality Guidelines" means the field-applicable practice
69 guidelines adopted by the division for use during forestry activities to protect water quality and
70 contained within a nonpoint source management plan.

71 ~~[(4)]~~ (5) "Landowner" means a person who holds an ownership interest in forested
72 land.

73 ~~[(5)]~~ (6) "Operator" means a person who:

74 (a) is responsible for conducting forest practices; or

75 (b) through a contractual agreement with the landowner, is obligated to or entitled to
76 conduct forest practices or to carry out a timber sale.

77 (7) "Wildland-urban interface" means the zone where structures and other human
78 development meets, or intermingles with, undeveloped wildland.

79 Section 2. Section **65A-8a-104** is amended to read:

80 **65A-8a-104. Notification of intent to conduct forest practices.**

81 (1) No later than 30 days ~~[prior to]~~ before an operator ~~[commencing]~~ commences forest
82 practices, the operator shall notify the division of the operator's intent to conduct forest
83 practices.

84 (2) The notification shall include:

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

86 (b) the name ~~[and]~~, address, and other current contact information of the landowner;

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

88 ~~[and]~~

89 (d) a description of the proposed forest practices to be conducted, including the number

90 of acres with timber to be harvested[-]; and

91 (e) an agreement granting the state forestry personnel permission to enter the area in
92 which the forest practices are to be conducted to conduct an inspection, when the state forestry
93 personnel reasonably consider an inspection necessary to ensure compliance with this chapter.

94 (3) Upon the receipt of notification, the division shall, within 10 days, mail to the
95 landowner and the operator:

96 (a) an acknowledgment of notification;

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

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

100 (4) (a) Failure to notify the division in accordance with this section is a class B
101 misdemeanor.

102 (b) The division may file an action in the district court of any county in which the area
103 in which the forest practices are to be conducted is located to enjoin an operator engaged in
104 conduct violating this chapter from operating until the operator complies with this chapter.

105 (c) In an action by the division in accordance with Subsection (4)(b), the operator shall
106 pay reasonable attorney fees and all court costs incurred by the division because of the action.

107 Section 3. Section **65A-8a-106** is amended to read:

108 **65A-8a-106. Division to provide technical assistance.**

109 (1) The division may provide:

110 (a) advice and technical assistance to landowners and operators by:

111 (i) developing forest stewardship plans;

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

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

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

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

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

120 (a) develop and implement a public education and awareness program to inform

121 citizens about the benefits of long-term stewardship of forest and other lands; and
122 (b) provide technical assistance to landowners in developing management plans that
123 may be required for financial incentive programs.
124 (3) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
125 Administrative Rulemaking Act, governing the application, approval, implementation, and
126 monitoring of a forest stewardship plan.

Legislative Review Note
as of 2-4-10 3:20 PM

Office of Legislative Research and General Counsel

S.B. 149 - Utah Forest Practices Act Amendments

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
