

**WILDFIRE SUPPRESSION AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows the Division of Forestry, Fire, and State Lands to develop and implement a long-range fire presuppression strategy that is responsive to specific observed changes in climate that pose a risk to fire management.

**Highlighted Provisions:**

This bill:

- ▶ defines a term;
- ▶ allows the Division of Forestry, Fire, and State Lands to develop and implement a long-range fire presuppression strategy that is responsive to specific observed changes in climate that pose a risk to fire management; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**65A-1-1**, as last amended by Laws of Utah 2012, Chapter 361

**65A-8-101**, as last amended by Laws of Utah 2008, Chapter 20



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

29 Section 1. Section **65A-1-1** is amended to read:

30 **65A-1-1. Definitions.**

31 As used in this title:

32 (1) "Advisory council" or "council" means the Forestry, Fire, and State Lands Advisory  
33 Council.

34 (2) "Climate change" means an observed rise in average annual temperature that:

35 (a) is attributed directly or indirectly to human activity that alters the composition of  
36 the global atmosphere;

37 (b) occurs in addition to natural climate variability observed over comparable time  
38 periods; and

39 (c) poses risks to fire management, including:

40 (i) an extended fire season;

41 (ii) an increase in fire occurrence; and

42 (iii) an increase in area burned.

43 [~~2~~] (3) "Division" means the Division of Forestry, Fire, and State Lands.

44 [~~3~~] (4) "Multiple use" means the management of various surface and subsurface  
45 resources in a manner that will best meet the present and future needs of the people of this  
46 state.

47 [~~4~~] (5) "Public trust assets" means those lands and resources, including sovereign  
48 lands, administered by the division.

49 [~~5~~] (6) "Sovereign lands" means those lands lying below the ordinary high water  
50 mark of navigable bodies of water at the date of statehood and owned by the state by virtue of  
51 its sovereignty.

52 [~~6~~] (7) "State lands" means all lands administered by the division.

53 [~~7~~] (8) "Sustained yield" means the achievement and maintenance of high level  
54 annual or periodic output of the various renewable resources of land without impairment of the  
55 productivity of the land.

56 [~~8~~] (9) "Wildland" means an area where:

57 (a) development is essentially nonexistent, except for roads, railroads, power lines, or  
58 similar transportation facilities; and

59 (b) structures, if any, are widely scattered.

60 [~~(9)~~] (10) "Wildland fire" means a fire that consumes:

61 (a) wildland; or

62 (b) wildland-urban interface, as defined in Section 65A-8a-102.

63 Section 2. Section **65A-8-101** is amended to read:

64 **65A-8-101. Division responsibilities for fire control and the preservation of**  
65 **forest, watershed, and other lands -- Reciprocal agreements for fire protection.**

66 (1) The division shall determine and execute the best method for protecting private and  
67 public property by:

68 (a) except as provided by Subsection (1)(e), preventing the origin and spread of fire on  
69 nonfederal forest, range, or watershed land in an unincorporated area of the state;

70 (b) protecting a nonfederal forest or watershed area using conservation principles;

71 (c) encouraging a private landowner to preserve, protect, and manage forest or other  
72 land throughout the state;

73 (d) taking action the division considers appropriate to control wildland fire and protect  
74 life and property on the nonfederal forest, range, or watershed land within an unincorporated  
75 area of the state; and

76 (e) implementing a limited fire suppression strategy, including allowing a fire to burn  
77 with limited or modified suppression, if the division determines that the strategy is appropriate  
78 for a specific area or circumstance.

79 (2) The division may:

80 (a) enter into an agreement with a public or private agency or individual for the  
81 purpose of:

82 (i) [~~for the purpose of~~] protecting, managing, or rehabilitating land owned or managed  
83 by the agency or individual; and

84 (ii) establishing a predetermined fire suppression plan, including a limited fire  
85 suppression strategy, for a specific fire management area; [~~and~~]

86 (b) enter into a reciprocal agreement with a fire protection organization, including a  
87 federal agency, to provide fire protection for land and an improvement for which the  
88 organization normally provides fire protection[.]; or

89 (c) develop and implement a long-range fire presuppression strategy that:

- 90            (i) is responsive to climate change; and  
91            (ii) may include public education and outreach.

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**Legislative Review Note**  
**as of 1-21-13 1:01 PM**

**Office of Legislative Research and General Counsel**