

FIRE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill addresses fires.

Highlighted Provisions:

This bill:

- defines terms;
- addresses the process of approval for certain fire events; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

RENUMBERS AND AMENDS:

19-2a-105, (Renumbered from 19-2-107.6, as enacted by Laws of Utah 2019, Chapter 51)

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

Section 1. Section **19-2a-105**, which is renumbered from Section 19-2-107.6 is renumbered and amended to read:

~~[19-2-107.6].~~ **19-2a-105. Prescribed fires, pile burns, and nonfull suppression events.**

(1) As used in this section:

(a) "Board" means the Air Quality Board.

~~[(a)]~~ (b) "Burn plan" means the plan required for each fire application ignited by a land manager.

~~[(b)]~~ (c) "Burn window" means the period of time during which the prescribed fire is scheduled for ignition.

(d) "Director" means the director of the division.

(e) "Division" means the Division of Air Quality created in Section [19-1-105](#).

(f) "Exceptional event" means one or more prescribed burning or pile burning events and the resulting emissions that affect air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation.

~~[(c)]~~ (g) "Land manager" means a person who administers, directs, oversees, or controls the use of public land, including the application of fire to the land.

~~[(d)]~~ (h) "Large prescribed fire" means a fire that a land manager ignites to meet a specific objective, including a resource benefit that covers 20 acres or more per burn.

~~[(e)]~~ (i) "Large prescribed pile fire" means a fire that a land manager ignites to meet a specific objective, including a resource benefit, that exceeds 30,000 cubic feet per day.

~~[(f)]~~ (j) "Nonfull suppression event" means a naturally ignited wildland fire for which a land manager secures less than full suppression to accomplish a specific prestated resource management objective in a predefined geographic area.

(k) "Pile burning" means a fire or fires that a land manager ignites for fuel mitigation designed to reduce the risk of catastrophic fire, improve ecological health, and prevent dangerous wildfires by burning piled or scattered leaves, pine needles, downed trees, natural woody debris, thick vegetation, or similar organic material left behind after logging or other forest treatments.

(l) "Prescribed burning" means the planned and controlled burning of plant material in order to minimize the risk of catastrophic wildfire or to meet specific land management objectives.

~~[(g)]~~ (m) "Wildland" means an area in which development is essentially nonexistent

other than the existence of a pipeline, power line, road, railroad, or other transportation or conveyance facility or one or more structures that are widely scattered.

(2) (a) The division may not permit a land manager to conduct a large prescribed fire or large prescribed pile fire if the land manager does not comply with the rules made by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) In the rules made by the board under this Subsection (2), the board shall require the land manager to:

(i) describe the use of a state, county, or municipal resource in the large prescribed fire or large prescribed pile fire;

(ii) provide the division the burn plan for a large prescribed fire or large prescribed pile fire by no later than one week before the day of the burn window; and

(iii) notify the division of a nonfull suppression event once a fire becomes a nonfull suppression event.

(3) The director shall approve a prescribed burning or pile burning in wildland areas and the prescribed burning or pile burning may be conducted under the following conditions:

(a) the United States National Weather Service clearing index in the area of the burn is 500 or greater;

(b) the United States National Weather Service clearing index in the area of the burn is less than 500, and to maximize the opportunities for prescribed burning or pile burning the director approves a prescribed burning or pile burning after the land manager demonstrates to the director that the planned prescribed burning or pile burning will:

(i) not cause an exceedance of a national ambient air quality standard outside the wildland area;

(ii) minimize the long range transport of smoke; and

(iii) protect visibility in mandatory federal class 1 areas; or

(c) the United States National Weather Service clearing index in the burn area is less than 500 and the prescribed burning or pile burning may cause an exceedance of a national ambient air quality standard outside the wildland area if the land manager demonstrates to the

86 director that the prescribed burning or pile burning fuel conditions are optimal to:

87 (i) protect safety of the public and fire staff;

88 (ii) minimize the risk of catastrophic fire;

89 (iii) achieve necessary watershed and ecological conditions; and

90 (iv) establish, restore, or maintain a sustainable and resilient wildland ecosystem or to
91 preserve endangered or threatened species through a program of prescribed burning or pile
92 burning.

93 (4) The director shall approve a prescribed burning or pile burning to reduce hazardous
94 fuels for public safety in areas not defined as wildland and the prescribed burning or pile
95 burning may be conducted under the following conditions:

96 (a) the United States National Weather Service clearing index in the area of the burn is
97 500 or greater; or

98 (b) the United States National Weather Service clearing index in the area of the burn is
99 less than 500, and to maximize the opportunities for prescribed burning or pile burning the
100 director approves a prescribed burning or pile burning after the land manager:

101 (i) provides a demonstration that includes an assessment of the impact to local
102 receptors;

103 (ii) implements measures to notify residents; and

104 (iii) minimizes residents exposure to smoke.

105 (5) The director shall approve a prescribed burning or pile burning for resource
106 management purposes in areas not defined as wildland and the prescribed burning or pile
107 burning may be conducted under the following conditions:

108 (a) the United States National Weather Service clearing index in the area of the burn is
109 500 or greater; or

110 (b) the United States National Weather Service clearing index in the area of the burn is
111 less than 500, and to maximize the opportunities for prescribed burning or pile burning the
112 director approves a prescribed burning or pile burning after the land manager demonstrates that
113 the planned prescribed burning or pile burning will:

- 114 (i) not cause an exceedance of a national ambient air quality standard;
115 (ii) minimize the long range transport of smoke; and
116 (iii) protect visibility in mandatory federal class 1 areas.
117 (6) The division shall make the necessary filings with the United States Environmental
118 Protection Agency if a prescribed burning or pile burning approved by the director results in an
119 exceptional event.