EXHIBIT 2
DATE 3/4/09
SB 121

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Previous Section MCA Contents Part Contents Search Help Next Section

76-13-102. Definitions. Unless the context requires otherwise, in part 2 and this part, the following definitions apply:

(1) "Conservation" means the protection and wise use of forest, range, water, and soil resources in keeping with the common welfare of the people of this state.

(2) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(3) "Forest land" means land that has enough timber, standing or down, slash, or brush to constitute in the judgment of the department a fire menace to life or property. Grassland and agricultural areas are included when those areas are intermingled with or contiguous to and no further than one-half mile from areas of forest land.

(4) (a) "Forest practices" means the harvesting of trees, road construction or reconstruction associated with harvesting and accessing trees, site preparation for regeneration of a timber stand, reforestation, and the management of logging slash.

(b) The term does not include activities for the purpose of:

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

(ii) the harvest of Christmas trees;

(iii) the harvest of firewood; or

(iv) the cutting of trees for personal use by an owner or operator.

(5) "Operator" means a person responsible for conducting forest practices. An operator may be the owner, the owner's agent, or a person who, through contractual agreement with the landowner, is obligated to or entitled to conduct forest practices or to carry out a timber sale.

(6) "Owner" means the person, firm, association, or corporation having the actual, beneficial ownership of forest land or timber other than an easement, right-of-way, or mineral reservation.

(7) "Person" means an individual, corporation, partnership, or association of any kind.

(8) "Recognized agency" means an agency organized for the purpose of providing fire protection and recognized by the department as giving adequate fire protection to lands in accordance with rules adopted by the department.

(9) "Timber sale" means a series of forest practices designed to access, harvest, and regenerate trees on a defined land area.

(10) "Wildfire" means an unplanned, unwanted fire burning uncontrolled on wildland and consuming vegetative fuels.

(11) "Wildfire season" means the period of each year beginning May 1 and ending September 30, inclusive.

(12) "Wildland" means an area in which development is essentially nonexistent, except for roads, railroads, powerlines, and similar facilities, and in which structures, if any, are widely scattered.

(13) "Wildland fire" means a fire burning uncontrolled on forest lands.

(14) "Wildland fire protection" means the work of prevention, detection, and suppression of wildland fires and includes training required to perform those functions.

(15) "Wildland fire protection district" means a definite land area, the boundaries of which are fixed and in which wildland fire protection is provided through the medium of an agency recognized by the department.

(16) "Wildland-urban interface" means the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

History: En. Sec. 3, Ch. 128, L. 1939; amd. Sec. 1, Ch. 216, L. 1955; amd. Sec. 1, Ch. 93, L. 1959; amd. Sec. 1, Ch. 30, L. 1971; amd. Sec. 2, Ch. 253, L. 1974; amd. Sec. 1, Ch. 397, L. 1977; R.C.M. 1947, 28-103(part); amd. Secs. 1, 2, Ch. 529, L. 1981; amd. Sec. 2, Ch. 423, L. 1989; amd. Sec. 262, Ch. 418, L. 1995; amd. Sec. 2, Ch. 27, L. 1997; amd. Sec. 4, Ch. 336, L. 2007.

The comparative rates of spread and flame lengths for the slash models at 8 percent dead fuel moisture content and a 5 mi/h (8 km/h) mid-flame wind are presented in Table 3.27.

Table 3.27. Comparative Fire Intensities and Rates of Spread in Slash Fuel Models.

Fuel Model	Rate of Spread (Chains/hour)	Flame length (Feet)
11	6.0	3.5
12	13.0	8.0
13	13.5	10.5

3.11 Wildland-Urban Interface

3.11.1 People and Structures

A key component in meeting the underlying need is the protection and treatment of fire hazard in the wildland-urban interface. The wildland-urban interface refers to areas where wildland vegetation meets urban developments, or where forest fuels meet urban fuels (such as houses). These areas encompass not only the interface (areas immediately adjacent to urban development), but also the continuous slopes and fuels that lead directly to a risk to urban developments. Reducing the fire hazard in the wildland urban interface requires the efforts of federal, state, local agencies, and private individuals (Norton 2002). "The role of [most] federal agencies in the wildland urban interface includes wildland fire fighting, hazard fuels reduction, cooperative prevention and education and technical experience. Structural fire protection [during a wildfire] in the wildland urban interface is [largely] the responsibility of Tribal, state, and local governments" (USFS 2001). Property owners share a responsibility to protect their residences and businesses and minimize fire danger by creating defensible areas around them and taking other measures to minimize the fire risks to their structures (USFS 2001). With treatment, a wildland-urban interface can provide firefighters a defensible area from which to suppress wildland fires or defend communities. In addition, a wildland urban interface that is properly thinned will be less likely to sustain a crown fire that enters or originates within it (Norton 2002).

By reducing hazardous fuel loads, ladder fuels, and tree densities, and creating new and reinforcing defensible space, landowners would protect the wildland-urban interface, the biological resources of the management area, and adjacent property owners by:

- minimizing the potential of high-severity ground or crown fires entering or leaving the area;
- reducing the potential for firebrands (embers carried by the wind in front of the wildfire) impacting the WUI. Research indicates that flying sparks and embers (firebrands) from a crown fire can ignite additional wildfires as far as 1¼ miles away during periods of extreme fire weather and fire behavior (McCoy *et al.* 2001 as cited in Norton 2002);
- improving defensible space in the immediate areas for suppression efforts in the event of wildland fire.

Four wildland/urban conditions have been identified for use in the wildland urban interface (Norton 2002). These include the Interface Condition, Intermix Condition, Occluded Condition, and Rural Condition. Descriptions of each are as follows:

- **Interface Condition** – a situation where structures abut wildland fuels. There is a clear line of demarcation between the structures and the wildland fuels along roads or back fences. The development density for an interface condition is usually 3+ structures per acre;

- **Intermix Condition** – a situation where structures are scattered throughout a wildland area. There is no clear line of demarcation, the wildland fuels are continuous outside of and within the developed area. The development density in the intermix ranges from structures very close together to one structure per 40 acres;
- **Occluded Condition** – a situation, normally within a city, where structures abut an island of wildland fuels (park or open space). There is a clear line of demarcation between the structures and the wildland fuels along roads and fences. The development density for an occluded condition is usually similar to that found in the interface condition and the occluded area is usually less than 1,000 acres in size; and
- **Rural Condition** – a situation where the scattered small clusters of structures (ranches, farms, resorts, or summer cabins) are exposed to wildland fuels. There may be miles between these clusters.

The location of structures in Teton County have been mapped and are presented on a variety of maps in this analysis document. The location of all structures was determined by examining the Teton County 911 structure layer.

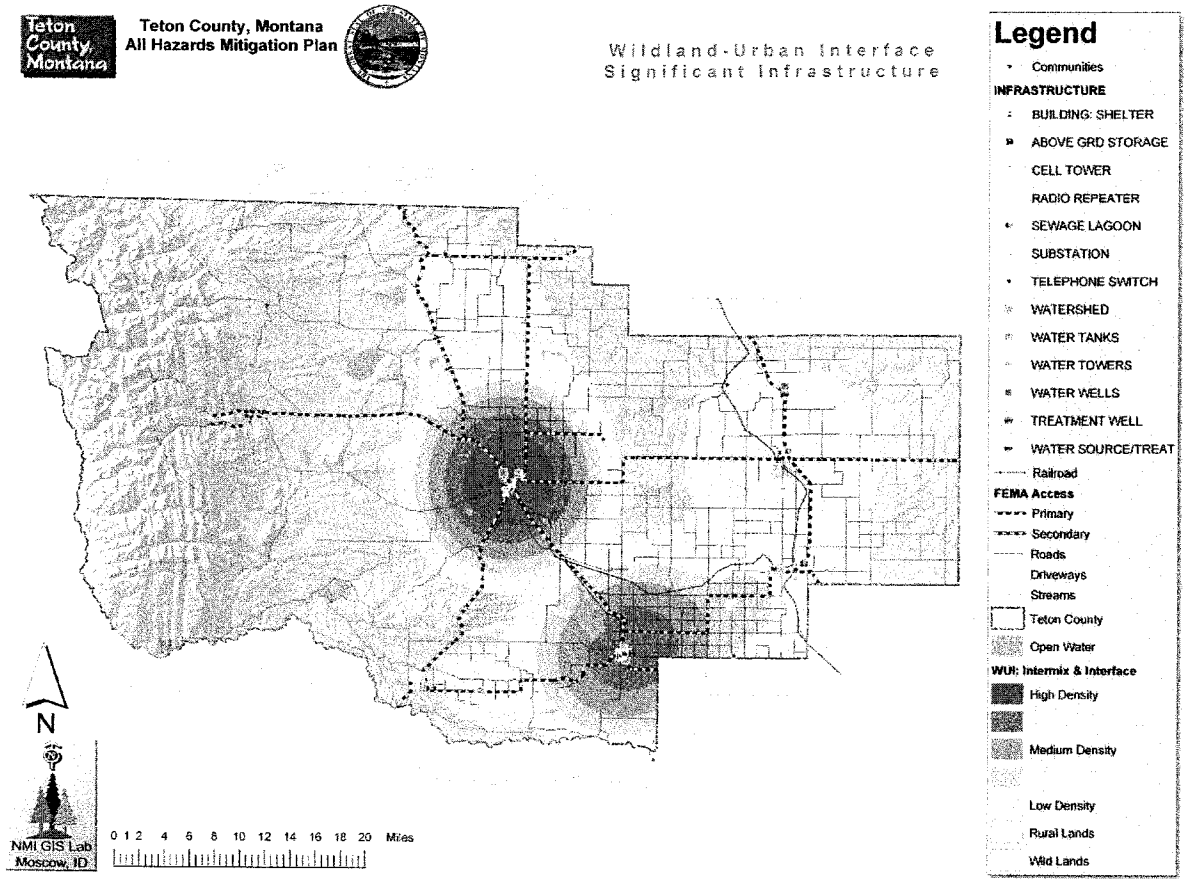
All structures are represented by a "dot" on the map. No differentiation is made between a garage and a home, or a business and a storage building. The density of structures and their specific locations in this management area are critical in defining where the potential exists for casualty loss in the event of a wildfire in the region.

By evaluating this structure density, we can define WUI areas on maps by using mathematical formulae and population density indexes to define the WUI based on where structures are located. The resulting population density indexes create concentric circles showing high density areas of Interface and Intermix WUI, as well as Rural WUI (as defined by Secretary Norton of the Department of Interior). This portion of the analysis allows us to "see" where the highest concentrations of structures are located in reference to high risk landscapes, limiting infrastructure, and other points of concern.

It is critical to understand that in the protection of people, structures, infrastructure, and unique ecosystems, this portion of the analysis only serves to identify structures and by some extension the people that inhabit them. It does not define the location of infrastructure and unique ecosystems. Other analysis tools will be used for those items.

The WUI interface areas as defined here are presented in map form in Volume III Appendix .

Figure 3.9. Wildland-Urban Interface of Teton County.



This map is presented for reference in this section of the plan. This map and additional maps are detailed in Volume III Appendix.

3.11.2 Infrastructure

Teton County has both significant infrastructure and unique ecosystems within its boundaries. Of note for this WUI Fire Mitigation Plan is the existence of highway routes (eg., Interstate 15 and State Highways 287 and 89), oil fields, and the presence of power lines supplying surrounding counties. These resources will be considered in the protection of infrastructural resources for Teton County and to the larger extent of this region, and the rest of Montana.

High Tension Power Lines have been mapped and are presented in Volume III Appendix. Protection of these lines from loss during a wildfire is paramount in as much as the electrical power they provide serves not only the communities of Teton County but of surrounding counties. The protection of these lines allows for community sustainability, support of the economic viability of Teton County, and the protection of people who rely on that power. Fuels mitigation under power lines has received considerable attention in forested ecosystems as timber is thinned and heavy accumulations of brush are managed. This practice should be mandated into the future. However, the importance of management of rangeland ecosystems under high tension power lines should not be overlooked. Brush intermixed with grasses and other species, during extreme fire weather events, coupled with steep slopes can produce considerable heat and particulate matter. When this occurs under power lines, the result can be