

Department of Forests, Parks and Recreation
Policy for Reimbursement of Fire Suppression Costs

January 17, 2017

WHEREAS, Section 12 of Act 171 of the Biennial Session of the Vermont General Assembly, 2016 requires the Commissioner of the Department of Forests, Parks and Recreation to develop a policy that provides the criteria the Department of Forests, Parks and Recreation shall use in determining whether and how to reimburse towns for the costs of fires suppression on lands not owned by the Agency of Natural Resources; and

WHEREAS, Act 171 amended 10 V.S.A. §2643(a) and (b) to repeal the requirement for the state to reimburse towns for fire suppression costs on lands not owned by the Agency of Natural Resources and added a new provision making reimbursement discretionary, based upon a policy to be developed by the Department of Forests, Parks and Recreation; and

WHEREAS, Act 171 amended 10 V.S.A. §2643(b) and (c) to require the Department to reimburse towns for fire suppression costs on lands owned by the Agency of Natural Resources at a rate determined by the Commissioner of the Department of Forests, Parks and Recreation and according to the Department fire suppression reimbursement policy to be developed pursuant to Section 12 of Act 171; and

WHEREAS, very few towns have requested reimbursement for fire suppression costs in the past; and

WHEREAS, towns do not receive reimbursement for fire suppression costs related to structure fires; and

WHEREAS, the Department of Forests, Parks and Recreation does not provide for reimbursement of fire suppression costs in its annual budget; and

WHEREAS, there may be limited situations where reimbursement of town fire suppression costs on lands not owned by the Agency of Natural Resources may be appropriate, in particular, where such fires threaten public lands owned by the Agency of Natural Resources.

NOW, THEREFORE, the Department of Forests, Parks and Recreation hereby adopts this policy to establish the criteria the Department will use to determine whether and how to reimburse a town for forest fire suppression costs.

FOREST FIRE SUPPRESSION REIMBURSEMENT POLICY

I. General Eligibility Requirements for Reimbursement of fire Suppression Costs on All Lands

- A. To be eligible for reimbursement of forest fire suppression costs, the Town in which the fire occurred must have actually paid for such forest fire suppression costs and must provide documentation of the payment of such costs to the Commissioner; and
- B. The fire department charged with fire protection in the town in which the fire occurs must supply a minimum of one fire department truck and two fire department personnel. The equipment and personnel must be actively engaged in forest fire suppression activities for the entire time requested or required for suppression of the forest fire; and
- C. The Town Forest Fire Warden must comply with the requirements of Chapter 83, Subchapter 4 of Title 10 of the Vermont Statutes Annotated; and
- D. The reimbursement rate shall be determined by the Commissioner of the Department of Forests, Parks and Recreation (“FPR” or “Department”) and shall be reviewed annually and adjusted as appropriate. The reimbursement rate will be provided to Town Forest Fire Wardens and posted on the FPR website.

II. Lands Owned by the Agency of Natural Resources

- A. The general eligibility requirements set forth in section I. above must be satisfied; and
- B. “Lands owned by the Agency of Natural Resources” shall be defined as lands owned in fee simple by the Departments of Forests, Parks and Recreation, Fish and Wildlife and Environmental Conservation. “Lands owned by the Agency of Natural Resources” shall not include easement interests or other partial interests in lands held by the Agency of Natural Resources, The Department of Forests, Parks and Recreation, the Department of Fish and Wildlife, or the Department of Environmental Conservation and
- C. The State will reimburse 100% of approved costs of the town in which the fire occurred at the reimbursement rate determined by the Commissioner, that are paid by the town in which the fire occurred, and reported and submitted to the Department by the Town Forest Fire Warden in accordance with Chapter 83, subchapter 4 of Title 10 of the Vermont Statutes Annotated.

III. Lands Not Owned by the Agency of Natural Resources

- A. The only fires that will be considered for reimbursement on lands not owned by the Agency of Natural Resources (ANR) are those fires that threaten ANR owned lands, as determined by the Commissioner; and
- B. The general eligibility requirements set forth in section I. above must be satisfied; and
- C. The Town Forest Fire Warden shall comply with the requirements of 10 V.S.A. §2643(c) for fires on lands not owned by ANR for which the town seeks reimbursement of fire suppression costs; and
- D. The State will reimburse 100% of approved costs of the town in which the fire occurred at the reimbursement rate determined by the Commissioner, that are paid by the town in which the fire occurred, and reported and submitted to the Department by the Town Forest Fire Warden in accordance with Chapter 83, subchapter 4 of Title 10 of the Vermont Statutes Annotated; and
- E. The Commissioner of FPR shall determine if the eligibility requirements are satisfied and whether reimbursement is appropriate for any given forest fire.