

State of Vermont
Department of Forests, Parks & Recreation
1 National Life Drive, Davis 2
Montpelier, VT 05620-3801
www.vtfpr.org

Agency of Natural Resources

[phone] 802-828-1534
[fax] 802-828-1399

MEMORANDUM

TO: Senate Committee on Natural Resources and Energy
House Committee on Agriculture & Forestry
House Committee on Natural Resources, Fish & Wildlife
House Committee on Energy and Technology
Senate Committee on Appropriations
House Committee on Appropriations

FROM: Michael C. Snyder, Commissioner, Department of Forests, Parks and Recreation

DATE: January 17, 2017

RE: Policy for Reimbursement of Fire Suppression Costs, Sec. 12, Act 171

In the 2016 Legislative Session, the Vermont General Assembly enacted Act 171, which included amendments to Subchapter 4 of Chapter 83 of Title 10 of the Vermont Statutes Annotated related to forest fires, fire prevention and Town Forest Fire Wardens. Sec. 11 No. 171 (Adj. Sess.) 2015. Section 11 of Act 171 amended 10 V.S.A. §2643 by removing paragraph (b) that required the State to reimburse a town for its forest fire suppression costs. Section 12 of Act 171 directed the Commissioner of the Department of Forests, Parks and Recreation (“FPR” or “Department”) to develop a policy that provides the criteria the Department shall use in determining whether and how to reimburse towns for the costs of forest fire suppression on Agency owned lands and non-Agency owned lands. The Department was directed to develop this policy in consultation with the Vermont League of Cities and Towns (VLCT) and other interested parties.

Since July, 2016, Department staff have consulted with representatives of VLCT, and both the Department and VLCT sent out surveys to town Fire Chiefs and Town Forest Fire Wardens, requesting information on past reimbursements for fire suppression costs requested and provided to their towns. The Department and VLCT consolidated the responses and discussed whether reimbursement for forest fire suppression costs on lands not owned by the Agency of Natural Resources is appropriate and if so, what conditions and criteria should be used to determine whether reimbursement is warranted. The attached draft Policy is the result of this coordination and the Department’s experience in administering the fire protection program in the State.

Forest fires pose risks to the State of Vermont, including threats to public welfare, private and public property and damage to natural resources. The time and effort involved in forest fire suppression can involve costs to towns and local fire departments. FPR recognizes that these costs are part of the expected response by fire departments and that most fire departments receive some funding from towns for all types of fire protection. As FPR does not act as first responders to fires that occur on lands owned by the Agency of

Natural Resources (ANR), we rely on towns to provide forest fire suppression response. For fires that potentially threaten ANR lands, FPR believes that town forest fire suppression actions that prevents or diminishes the damage to ANR lands is a critical activity and a valid reimbursable expense. The Commissioner will make the determination of whether a forest fire on non-Agency owned lands but threatens ANR lands is eligible for reimbursement.

The FPR policy proposes a flat rate per hour for reimbursement of forest fire suppression costs that are actually paid by the town in which the fire occurred. The Commissioner will determine the reimbursement rate and will annually review the rate and adjust as appropriate. The rate will be included in the Town Forest Fire Handbook, posted on the FPR website and distributed annually to the Town Forest Fire Wardens. The reimbursement rate for 2017 shall be \$500 per hour and requires, at a minimum, that at least one fire truck and two fire fighting personnel are actively involved in fire suppression activities. This flat rate of reimbursement will apply to forest fires on ANR owned lands and forest fires that occur on lands not owned by ANR, but which threaten ANR lands. The flat rate per hour will be payable directly to the town in which the fire occurred only after the Town Forest Fire Warden submits the FPR 'Forest Fire Suppression Expense Form' to that town and that town has paid for forest fire suppression costs associated with that fire. Also, all other applicable requirements of Subchapter 4, Chapter 83 of Title 10 of the Vermont Statutes Annotated must be satisfied. The new policy replaces the previous statutory reimbursement approach that was complicated and inequitable, requiring the fire warden to track the time of individual firefighters at pay rates dependent on their town's highway labor rate and all pieces of equipment involved in fire suppression.

The Department believes this proposed Policy is an equitable and responsible approach to assisting towns and town fire departments with fire suppression costs associated with or threatening ANR owned lands.