

**Forests, Parks, & Recreation:
Legislative policy proposal for discussion – 2023
Reinstating Authority for FPR to Issue a Statewide Burn Ban**

Overview

FPR's Wildland Fire Program monitors fire weather danger forecast and oversees the service of town fire wardens. Each year approximately 50% of wildland fires in Vermont are caused by debris burning. Since debris burning tends to be adjacent to structures, during periods of elevated fire danger this poses a risk to homes and forests. Current statutes only allow for the Governor to "close the woods" - § 2646. *Proclamation by Governor prohibiting kindling of fires: Closing of woodlands.* This would halt all hunting and fishing which is an unnecessary inconvenience for Vermonters except in rare circumstances. The proposed addition to the statute outlined below is replacing language that was mistakenly removed during the last statute revisions. It allows the Commissioner of Forests, Parks, and Recreation (FPR) to notify town fire wardens to stop issuing permits. Without this language, FPR has no authority to stop debris burning during periods of elevated fire danger that could pose a risk to property and forests.

Proposed Legislative Language

Title 10 : Conservation And Development
Chapter 083 : Department Of Forests, Parks And Recreation
Subchapter 004 : Forest Fires And Fire Prevention
§ 2645. Open burning; permits

(a) Except as otherwise provided in this section, a person shall not kindle or authorize another person to kindle a fire in the open air for the purpose of burning natural wood, brush, weeds, or grass without first obtaining permission from the town forest fire warden or deputy forest fire warden, stating when and where such fire may be kindled. Wood, brush, weeds, or grass may not be burned if they have been altered in any way by surface applications or injection of paints, stains, preservatives, oils, glues, or pesticides. Whenever such permission is granted, the fire warden, within 12 hours, shall issue a written "Permit to Kindle" for record purposes stating when and where such fire may be kindled. With the written approval of the secretary, during periods of increased fire hazard, the commissioner may notify town fire wardens that for a specified period no burning permits shall be issued. The wardens shall issue no permits during the specified period.

(b) [Repealed.]

(c) The provisions of this section will not apply to:

(1) the kindling of a fire in a location where there is snow surrounding the open burning site;

(2) fires built in stone arches, outdoor fireplaces, or existing fire rings at State recreational areas or fires built in stone arches, outdoor fireplaces, or fire rings on private property that are not located within woodland, timberland, or a field containing dry grass or other flammable plant material contiguous to woodland;

(3) the kindling of a fire in a location that is 200 feet or more from: any woodland, timberland, or field containing dry grass or other flammable plant material contiguous to woodland; or

(4) areas within cities maintaining a fire department.

(d)(1) As used in this section, "natural wood" means:

(A) trees, including logs, boles, trunks, branches, limbs, and stumps;

(B) lumber, including timber, logs, or wood slabs, especially when dressed for use; and

(C) pallets that are used for the shipment of various materials, so long as such pallets are not chemically treated with any preservative, paint, or oil.

(2) "Natural wood" shall not mean other wood products such as sawdust, plywood, particle board, or press board.

(e) Nothing in this section shall be construed to limit the authority of the air pollution control officer to prohibit open burning in accordance with the rules adopted under chapter 23 of this title. (Added 1977, No. 253 (Adj. Sess.), § 1; amended 2015, No. 171 (Adj. Sess.), § 11.)