

MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT

§20-3-25. Governor's authority to execute.

The governor of West Virginia, on behalf of this state, is hereby authorized to execute a compact in substantially the following form, with any one or more of the states of Delaware, Maryland, New Jersey, Ohio, Pennsylvania and Virginia, and the Legislature hereby signifies in advance its approval and ratification of such compact:

MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT

Article I.

The purpose of this compact is to promote effective prevention and control of forest fires in the middle Atlantic region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire-fighting services by the member states, and by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements.

Article II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Delaware, Maryland, New Jersey, Ohio, Pennsylvania, Virginia and West Virginia which are contiguous have ratified it and Congress has given consent thereto.

Article III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

Article IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire

control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request: Provided, That nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other costs or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state: Provided, That nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

For the purposes of this compact the term "employee" shall include any volunteer or auxiliary legally included within the forest fire-fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

Article VI.

Nothing in this compact shall be construed to authorize or permit any member state to curtail or diminish its forest fire-fighting forces, equipment, services or facilities, and it shall be the duty and

responsibility of each member state to maintain adequate forest fire-fighting forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States forest service and a member state or states.

Article VII.

The compact administrators may request the United States forest service to act as the primary research and coordinating agency of the middle Atlantic interstate forest fire protection compact in cooperation with the appropriate agencies in each state, and the United States forest service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States forest service may attend meetings of the compact administrators.

Article VIII.

The provisions of articles four and five of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region: Provided, That the Legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Article IX.

This compact shall continue in force and remain binding on each state ratifying it until the Legislature or the governor of such state takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executive of all states then parties to the compact. [1967, c. 142; 1989, c. 145.]

Mutual Aid Operating Plan

Middle Atlantic Interstate Forest Fire Protection Compact

I. AUTHORITY

The Middle Atlantic Interstate Forest Fire Protection Compact is authorized by Public Law 790 - 84th Congress and by the legislative bodies of the respective states:

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| Delaware | - Act of May 20, 1955 |
| Maryland | - Act of April 4, 1956 |
| New Jersey | - Act of October 7, 1955 |
| Pennsylvania | - Act of July 29, 1953, P.L. 970 |
| West Virginia | - Acts of March 11, 1967 |
| Virginia | - Acts of 1966 - February 14, 1966 |
| Ohio | - Act of November 5, 1988, P. L. 100-609 |

“The Compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member States.” (PL-790)

II. OBJECTIVES OF PLAN

This plan is intended to serve as a guide to the Compact States and the Compact Coordinator in times of emergency, when it may become necessary to invoke the mutual aid provision of the Compact.

Specifically, this plan is intended to:

- A. Facilitate effective prevention, preparedness, and suppression of wildland fires in the Compact States during pre-emergency and emergency periods, through mutual aid.
- B. Define responsibilities and duties of Eastern Area Coordinating Center (EACC) with the Compact States during pre-emergency and emergency periods.
- C. Define individual State responsibilities during pre-emergency and emergency fire activity periods.
- D. Fulfill legislative requirements imposed under the Compact Charter.

III. MUTUAL AID PROCEDURE

The purpose of this Compact is to promote effective prevention and suppression of wildland fires in the States of the Middle Atlantic region of the United States. This is to be accomplished by the development and implementation of wildland fire plans, by the maintenance of adequate wildland fire fighting resources by the member States, by providing mutual aid in fighting wildland fires within the States of the Compact area, by establishing procedures for facilitating such aid, and by establishment of a coordinating organization to administer relationships between the fire management organizations of the member States.

A. When to Call For Mutual Aid Assistance

Any one or combination of the following might be sufficient reason:

1. Long period of continuous wildland fire activity, with State personnel reaching point of mental and physical exhaustion, and depletion of local resources.
2. A number of large fires burning at the same time.
3. The potential for large and destructive wildland fire(s) in the vicinity of a populated area where extensive damage to real property and loss of life might occur.
4. A major wildland fire in a high value area.

B. Action During Normal Fire Seasons

Beginning March 1, or earlier, until May 15, and from October 1 to December 15, each State will submit to EACC, daily, a report on the number of fires, acres burned, and other pertinent information pertaining to the current wildland fire situation. EACC will compile this information, along with information from the other Northeastern Area States and Federal agencies, in the Daily Situation report and post it on the EACC web site.

C. Action During Critical Fire Conditions

As soon as the wildland fire conditions in a given State have developed to a point where restrictive measures are being considered, such State will immediately inform EACC/Southern Area Coordinating Center (SACC). EACC will notify the remaining Compact States of existing conditions and planned actions.

Whenever it becomes necessary for any Compact State to request assistance, such request will be made by the State Forester, or his designated representative, by telephone to the State Forester's office of the

State within the Compact most likely able to provide assistance. The requesting official will indicate, in detail, the resources required. The request will indicate the delivery point, the delivery time, and the person to who requested resources should report. The requesting State shall notify the Compact Chair and the EACC/SACC of its request. The Compact Chair shall notify the Compact members of this activity

The requesting State official will designate a contact point for the next 24 hours, giving telephone numbers and locations if other than state headquarters.

Immediately upon the conclusion of such a request, the assisting State will arrange for the dispatch of the requested resources at the earliest possible moment, and when such arrangements have been completed, will inform the requesting State when the desired resources are expected to reach the designated location(s).

Whenever the Compact States indicate that the wildland fire hazard is such that no State can safely go to the aid of another, EACC/SACC will immediately explore with the possibilities of mobilizing outside assistance. EACC/SACC will indicate the kind and amount of resources likely to be needed and the particular State or States in which assistance may be required, and also the best estimate as to when such aid will be required. The receiving State shall keep EACC/SACC informed on the status of the incident.

The receiving State shall agree to accept the sending State's wildland fire qualification standards.

The receiving State will use every possible means to expedite the return of the resources at the earliest possible date.

D. Action Subsequent to Rendering Mutual Aid

At the conclusion of the emergency, the receiving State will notify the sending State Forester and EACC /SACC as to the arrangements for the return of the resources received. It shall be the responsibility of the receiving State to return, as soon as possible, all loaned equipment and to make provision for the replacement or repair of items lost or damaged during suppression operations. Returned equipment should be accompanied by documentation of the number of hours or miles operated so that the sending State may arrange for necessary maintenance, servicing, or make arrangements to repair or replace, as necessary. The sending State will receipt for all equipment returned and may, as provided for in the Compact, waive any or all costs of maintenance, replacement,

or repair. If reimbursement is to be claimed, it must be done within 90 days from date of return of the equipment.

Within 90 days after the return of resources, the sending State will prepare and forward to the receiving State, its reimbursement billing.

Both the receiving and sending States will prepare and forward to the Compact chairperson a brief report, in narrative form, of the mutual aid operation. This report should contain any recommendations either State may have, which, in its opinion, would improve the effectiveness of mutual aid under the Compact.

IV. MUTUAL AID ANALYSIS

Objective:

Review each case of mutual aid assistance to determine if operations were handled efficiently, and whether changes in procedures are needed.

A mutual aid assistance operations review board shall consist of Compact Committee members and any other representatives deemed appropriate by the Compact Committee.

The review should take place as soon after the close of the fire season as possible. In preparation, both the receiving and sending States will prepare detailed narrative statements describing the mutual aid operation.

Analysis should be limited to operation of mutual aid functions and will not include a discussion of suppression tactics.

The board should summarize their analysis and submit recommendations to the Chairman of the Compact for review and distribution to the member States.

V. STATE NARRATIVES

The state narratives are due to the current Compact chair by March 1 of each year. The chair will then be responsible for distribution of the state narratives to all members.

The narratives will consist of the following items:

1. Short description of state/history
2. State directory of the following individuals to include work phone number, home phone number. Pager number and email address
 - a. Fire supervisor
 - b. Other state office staff
 - c. District forester and assistants as needed
3. State/district map
4. Radio frequencies with tones
5. Airbase location in lat/long and phone number
6. Specialized resources that may be available

Revised and agreed upon December 5, 2002 in Gettysburg PA

By-laws of The Middle Atlantic Interstate Forest Fire Protection Compact

ARTICLE I

The Middle Atlantic Interstate Forest Fire Protection Compact has been authorized by the Act of Congress and by the Legislative bodies of the respective states as cited below.

- a. Act of Congress, Public Law 790, July 25, 1956.
- b. State of Delaware, Act of May 20, 1955, Title 7, Sec. 2961-2963.
- c. State of Maryland, Act of April 4, 1956, Chapter 126, Laws of 1956.
- d. State of New Jersey, Act of October 7, 1955, Chapter 224, Laws of 1955.
- e. Commonwealth of Pennsylvania, Act of July 29, 1953, P.L. 970.
- f. Commonwealth of Virginia. Act of February 14, 1966, Section 27-5.4.
- g. State of West Virginia, Act of March 11, 1967.
- h. State of Ohio, Act of November 5, 1988, P. L. 100-609

ARTICLE II

The purpose of this Compact is to promote effective prevention and suppression of wildland fires in the Middle Atlantic region of the United States. This is to be accomplished by the development and integration of wildland fire plans, by the maintenance of adequate wildland fire fighting services by the member States, by providing mutual aid in fighting wildland fires among the States of the Compact area, by establishing procedures for facilitating such aid, and by establishment of a coordinating organization to administer relationships between the wildland fire control organizations of the member States.

The objectives of the Compact will be as follows:

1. An exchange of information between member State organizations concerning wildland fire prevention and suppression programs and problems.
2. Cooperation between member States in wildland fire educational and training programs. This to be achieved through the invitation of trainees from participating States to training programs conducted by other member States.
3. Cooperation in joint efforts between the member States and the U. S. D. A. Forest Service in areas of common interest related to forest fire suppression and prevention.

4. Cooperation and coordination of action between member States during periods of extreme fire emergency. This is desirable to insure uniformity, within the legal limits of the member States, in the imposition of emergency restrictions upon the general public and to coordinate the imposition and cancellation of such restrictions.

ARTICLE III

The coordinating organization charged with the administration of Compact affairs and relationships shall consist of the State Forester and/or the official in charge of fire & management operations from each member State. It shall be called the Compact Committee. The Chairman shall be selected from this Committee. The chairmanship shall be held for a one year period and rotate among the member states in the following order: Virginia, Pennsylvania, New Jersey, West Virginia, Maryland, Delaware, Ohio.

ARTICLE IV

It shall be the duty of the Chairman to collect and disseminate such information regarding fire management personnel, equipment, practices and plans as may be deemed advisable by the Compact Committee and to keep such records and data current from year to year. It shall be his/her duty to call such meetings of the Committee as may be deemed necessary, at least one meeting per year to be held to transact official business of the Compact. The Chairman shall appoint annually such operating committees as he/she may deem advisable to assist him/her in the administration of the work of the Compact.

ARTICLE V

The secretary will be the Compact representative from the U.S.D.A. Forest Service and will be responsible for keeping and distributing the minutes. The treasurer will be selected from among the Compact Committee members and will have custody of such funds as may be available to the Compact.

ARTICLE VI

A majority of the members of the Compact Committee, representing a majority of the member States, shall constitute a quorum for the transaction of its general business activities, actions shall be approved or disapproved by majority vote, and no action of the Compact Committee shall be binding upon a State unless the representative of that State has voted on that action. Each State shall have one vote.

ARTICLE VII

The Compact Committee may request the U. S. D. A. Forest Service to participate in its activities, to serve as a primary partner agency of the Compact, and to have appropriate representation at the meetings of the Compact Committee.

ARTICLE VIII

Whenever the wildland fire-management agency of a member State requests the aid of another member State in the suppression or preventing of forest fires, it shall be the duty of the State requested to do so, to render all possible aid to the requesting State which is consistent with the maintenance of its wildland fire responsibilities to its own State.

Requests for aid from a member State shall be directed to the State Forester of that State. The Chairman of the Compact Committee should be advised of such request immediately, in order that the full membership of the Compact may be alerted to the existence of an emergency.

ARTICLE IX

Whenever the forces of any member State are rendering aid outside the boundaries of that State, at the request of another member State under this Compact, the employees of such State shall, under the direction of the officers of the State to which they are rendering aid, have the same powers (except the power to arrest), duties, rights, privileges and immunities as comparable employees of the State to which they are rendering aid.

No member State or its officers or employees rendering aid to another Compact State shall be liable on account of any act of omission on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

All liability, except as hereinafter provided, that may arise either under the laws of the receiving State or under the laws of the sending State or under the laws of a third State on account of or in connection with a request for aid, shall be assumed and borne by the receiving State.

Any member State rendering aid to another member State, pursuant to this Compact, shall be reimbursed by the member State receiving such aid for any loss or damage to, or expense incurred in, the operating of any equipment used in answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request. Provided that nothing herein contained shall prevent any sending member State from assuming such loss, damage, expense or other cost, or from loaning such equipment, or from donating such services to the receiving member State without charge or cost.

Each member State shall provide for the payment of compensation and death benefits to its injured employees and the representatives of deceased employees, in case employees sustain injuries or are killed while rendering aid to another State, pursuant to this Compact, in the same manner and on the same terms as if the injury or death were sustained within the member State.

ARTICLE X

Nothing in this Compact shall be construed to authorize or permit any member State to curtail or diminish its wildland fire fighting resources, equipment, services or facilities, and it shall be the duty and responsibility of each member State to maintain adequate wildland fire suppression resources and equipment to meet normal demands for wildland fire protection within its borders.

Nothing in this Compact shall be construed to limit or restrict the powers of any State, ratifying the same, to provide for the prevention or suppression of wildland fires, or to prohibit the enforcement of State laws, rules or regulations intended to aid in such prevention or suppression of wildland fires within such State.

ARTICLE XI

The by-laws may be amended by written ballot at any regular or special meeting of the Compact Committee, provided each member State shall have received a copy of the proposed revision at least three weeks in advance of the meeting date at which the amendment is to be voted upon.

ARTICLE XII

This Compact shall continue in force and remain binding on each State ratifying it until the legislature or the Governor of such State takes action to withdraw therefrom. Such action shall become effective six months after notice thereof has been sent by the Governor of the State desiring to withdraw, to the Chairman of the Compact Committee and to the Governors of the other member States.

Voted upon and modified December 5, 2002 in Gettysburg PA