

DEPARTMENT OF FORESTS, PARKS AND RECREATION

Procedure for Issuing a Notice Against Trespass on Vermont Department of Forests, Parks and Recreation Lands

Date: 1/21/2025

Purpose

To establish a standardized process for issuing and enforcing Notice Against Trespass on State Lands managed by the Vermont Department of Forests, Parks and Recreation.

Scope

This Procedure applies to all employees and authorized personnel of the Vermont Department of Forests, Parks and Recreation who are involved in the management of state lands.

Responsibilities

- **Parks Regional Manager OR Stewardship Forester:**
 - Responsible for identifying a need for and initiating the Notice Against Trespass.
 - Conducts annual review of issued Notices Against Trespass
- **Director OR an Appointed Authority**
 - Reviews and signs Notice Against Trespass.
 - Assists in documentation, arranging for service of Notice Against Trespass, and enforcement as needed.
- **Law Enforcement:**
 - Serves and enforces the Notice Against Trespass Order upon violation.
- **Legal Counsel:**
 - Consult with staff on issuance and drafting of Notice Against Trespass.

Procedure Standard Operating Procedure for Issuing a Notice Against Trespass on Vermont Forests, Parks, and Recreation Lands

1. Identify the Need for a No Trespass Order

- **Criteria:** Determine if the individual poses a threat to property, staff, or public safety, or has violated state land use policies.
- **Consultation:**
 - Regional Park Managers and Stewardship Forests should consult, if necessary, to determine which Division will review and issue the order based on the location.
 - Consult with legal counsel, if necessary, to ensure the order's necessity and legality.

2. Draft the No Trespass Order

- Use 'Notice Against Trespass' template. See Appendix A.

3. Approval Process

- Internal Review: The Regional Manager/Stewardship Forester should consult with their supervisor as appropriate.
- Approval: Obtain approval and signature of Order from the Director or an Appointed Authority.

4. Delivery of the Notice Against Trespass Order

- Methods:
 - **Urgent/Emergency/No Permanent Address** Hand deliver or email a signed copy to the Game Warden or Law Enforcement for direct delivery to the recipient; or
 - **Standard**: Send the order via certified mail with return receipt requested.
- Documentation: Ensure proof of delivery is obtained, either through a signed receipt or a witness statement.

5. Notify Local Law Enforcement

- Information to Provide:
 - Copy of the Notice Against Trespass.
 - Individual(s) personal details and photograph if available.
 - Contact information for the Director; Chief of Parks Operations/State Lands Manger; and Regional Manager/Stewardship Forester
- Coordination: Collaborate with local law enforcement to ensure they are prepared to enforce the order in the event of a violation.

6. Internal Documentation

- Record Keeping: Parks Regional Manager or Stewardship Forester retains a copy of the no-trespass order along with proof of delivery or service by law enforcement by division/region. This information should be stored locally.

7. Communication

- Inform Staff: Notify relevant staff members about the Notice Against Trespass order and provide clear guidance on how to manage potential encounters with the individual(s).
- Public Notification: If deemed necessary, inform the public through appropriate channels while ensuring compliance with privacy laws and regulations, avoiding the disclosure of sensitive or confidential information i.e., address, email, phone, etc.

8. Enforcement

- Monitoring: Regularly monitor the affected state lands to ensure compliance with the Notice Against Trespass order.

- Violation Response: Immediately report any violations to local law enforcement. Provide all necessary information to facilitate the enforcement of the order.

9. Review and Renewal

- Review: Conduct an annual review of the no trespass order to assess its effectiveness and necessity.
- Renewal: If deemed necessary, renew the no trespass order by following the same approval and delivery process.

Danielle Fitzko

1/21/2025

Danielle Fitzko, Commissioner

Date

Appendix A: Notice Against Trespass

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

NOTICE AGAINST TRESPASS

TO:

This NOTICE AGAINST TRESPASS is issued to you pursuant to 13 VSA § 3705 and 19 VSA § 1106

UNTIL FURTHER NOTICE, you, _____, are hereby notified that you are prohibited from entering upon, remaining upon or otherwise accessing the property lawfully possessed by:

Owner: The State of Vermont, Agency of Natural Resources, Department of Forests, Parks and Recreation

Consisting of:

You are further advised that a violation of this Notice Against Trespass may be statutorily punished by a term of imprisonment of not more than three months or a fine of \$500.00, or both.

OWNER: Danielle Fitzko, Commissioner, Department of Forests, Parks and Recreation

SIGNED: _____

DATED: _____

WITNESSED: _____

On the _____ Day of _____, in the Year ____ at _____

I, _____, made service of this Notice Against Trespass upon _____ by delivering a copy to _____ in person.

Signature

I, _____ acknowledge receipt of a copy of this Notice Against Trespass on _____.

SIGNATURE –

