

## **PART 413 – PRESCRIBED BURNING**

### **SUBPART B – POLICY**

#### **413.10 Prescribed Burning**

NRCS supports and encourages the use of prescribed burning within the context of NRCS CPS Prescribed Burning (Code 338), contained in the Title 450, National Handbook of Conservation Practices (450-NHCP). Prescribed burning is appropriate on lands where its application will appropriately address specific resource management concerns and objectives identified through the planning process.

#### **413.11 Training**

A. NRCS personnel must be adequately trained to achieve prescribed burn certification and prescribed burn job approval authority (JAA) to assist clients regarding the NRCS CPS Prescribed Burning (Code 338) during the planning process.

B. At the minimum for initial awareness-level certification, the following subject matter related to prescribed burning will be covered in 16 hours of training.

Awareness level: for prescribed burn JAA to determine need and feasibility of prescribed burning as a practice in the conservation planning process.

- (i) Fire Behavior.—Fuels, weather, and topography.
- (ii) Fire Ecology.—Relevant to the local and regional land uses and typical resource concerns.
- (iii) Fire Effects on Resources.—Achieving burn objectives and studying potential effects that include both positive and negative effects.
- (iv) Safety.—Onsite burner safety, and offsite nonburner safety.
- (v) Smoke Management.—Relevant local and State air quality standards and laws (local, State, Federal, and nongovernmental organizations (NGOs) that provide prescribed burning training).

C. A 4-hour refresher course of all the content is required every 5 years if the employee has not received continuing education units or has not maintained knowledge, skills, and abilities (KSAs) through active planning and technical assistance. The source of the training can differ, provided it fulfills the above training criteria.

D. State conservationist and directors of the Caribbean and Pacific Islands Areas, or designee, will determine the additional training necessary for each level of prescribed burn certification and prescribed burn JAA.

E. NRCS encourages employees to participate in prescribed burn training activities and workshops, including those conducted by other agencies or organizations. Training from other sources can meet prescribed burn certification and prescribed burn JAA as approved by State conservationists and directors of the Caribbean and Pacific Islands Areas.

#### **413.12 Certification and Authority**

A. Certification documents the KSAs an individual employee has relative to the assigned level of prescribed burn JAA. Certification must include records of the employee's prescribed burn plan development, formal training, and participation in actual prescribed

burns for the level of prescribed burn JAA assigned. To achieve or maintain a level of JAA, employees must demonstrate appropriate experience and complete necessary training, and continuing education requirements as identified by the State conservationist and directors of the Caribbean and Pacific Islands Areas. A record of this certification is maintained in the employee's personnel file.

B. The National JAA classes are listed and maintained in Title 190, National Range and Pasture Handbook (190-NRPH).

C. Prescribed burn JAA is established in any State, and Caribbean and Pacific Islands Areas where prescribed burning is an approved conservation practice in the Field Office Technical Guide and offered as an alternative in the conservation planning process. Prescribed burn JAA is granted by the State conservationist and directors of the Caribbean and Pacific Islands Areas. Prescribed burn JAA criteria are as follows:

- (1) Sixteen hours of awareness training in prescribed burning constitute the required minimal level of authority for an NRCS employee to offer prescribed burning as an alternative practice in the conservation planning process.
- (2) Authority levels are progressive in nature, allowing employees to plan burns that are more complex only when they are qualified to do so.
- (3) The prescribed burn plan must be approved by an individual with the appropriate level of prescribed burn JAA prior to delivery to the client.
- (4) Employees must not approve prescribed burn plans without authority and certification for the class of burn being planned.
- (5) To obtain a level of prescribed burn JAA to develop a prescribed burn plan, the employee must—
  - (i) Participate in at least one training burn.
  - (ii) Develop plans and provide technical assistance on at least three burns at a class rating equivalent to the desired level.
  - (iii) Obtain approval of plans, by an employee with appropriate JAA, prior to and after completion.
  - (iv) Participate in at least three of these burns or participate in three burns as approved by the State conservationist and directors of the Caribbean and Pacific Islands Areas.
- (6) NRCS employees must demonstrate good judgement and KSAs in prescribed burning, to obtain prescribed burn JAA.

D. Where laws and regulations require certification, licensing, or both, for prescribed burning authority, NRCS personnel must be certified, licensed, or both by the designated agency to participate in prescribed burning activities.

E. Prescribed burn JAA may be granted to employees who have documented evidence of previous training or experience that equals or exceeds NRCS prescribed burning requirements. NRCS employees with extensive training, experience, and education in prescribed burning may provide supporting documentation to the State conservationist and directors of the Caribbean and Pacific Islands Areas to receive consideration for certification and JAA.

F. Any NRCS employee who violates NRCS prescribed burning policy may have disciplinary actions taken or JAA revoked as determined by the State conservationist.

### 413.13 Planning Prescribed Burns

- A. Burns planned with NRCS assistance must adhere to Federal, Tribal, State, and local laws and requirements, such as outdoor burning, fire control, smoke management, and air quality.
- B. Clients are responsible for obtaining all permits and clearances as required by law and regulation.
- C. Clients must be informed in writing of their potential liability.
- D. A written prescribed burn plan, which thoroughly addresses and meets the minimum prescribed burn conservation practice standard and specifications established by each State, is developed prior to implementation. When NRCS does not develop the prescribed burn plan, documentation must be provided prior to implementation showing the burn plan meets or exceeds NRCS standards. An example prescribed burn plan is maintained in the 190-NRPH appendices.
- E. Separate prescribed burn plans must be developed for each prescribed burn. Prescribed burn plans are valid only for the location and time frame planned. If a client decides to change the location of the burn or is unable to burn during the prescribed time frame and conditions, a new or revised prescribed burn plan must be prepared prior to conducting the burn.
- F. At plant materials centers (PMCs), burns planned as a management or study tool will not be restricted to number of acres or frequency of burns provided the PMC has personnel on site with proper JAA for any particular prescribed burn.

### 413.14 Technical Planning and Application Assistance

- A. NRCS assistance to clients regarding prescribed burning can include conservation planning, prescribe burn plan development, training (including training burns), and on-the-ground assistance with prescribed burn application.
- B. Extent of assistance an individual NRCS employee can provide is restricted by the individual's level of prescribed burn JAA.
- C. Employees without appropriate level of prescribed burn JAA are encouraged to participate, under the supervision of an employee with proper certification and prescribed burn JAA or others with appropriate authority (State certification, National Wildfire Coordinating Group certification, etc.), as a means of receiving training and experience.
- D. For purposes of providing technical assistance to landowners, managers, and NRCS employees, NRCS personnel with appropriate prescribed burn JAA may participate in the following activities:
  - (1) Development and design of the prescribed burn plan.
  - (2) Serve as an operations manager for the implementation and completion of the burn.
  - (3) Serve as crew chief and make decisions, adjustments, and corrections necessary to ensure that the fire meets the planned objectives and that all participants are safe.
  - (4) Assist with ignition of the fire.
  - (5) Provide assistance with suppression activities.
  - (6) Take weather measurements.
  - (7) Serve as spotters or flagmen.
  - (8) Serve as fire boss only on official designated NRCS training burn when seeking JAA for a higher class burn. **This is not the client's designee.**

E. The CPS Prescribed Burning (Code 338) is reported as planned or applied only when the prescribed burn plan has been reviewed and approved by an employee with the appropriate level of prescribed burn JAA for the class of burn planned and applied. When the prescribed burn plan is developed by partners or others approved by NRCS, NRCS may certify and report the applied practice met the standard based on appropriate documentation of the practice application.

F. Employees at PMCs with the appropriate level of prescribed burn JAA and certification can develop plans and conduct burns at PMCs for the development, evaluation, and production of conservation plant materials and to maintain natural areas.

### 413.15 Safety

A. Safety is the first consideration in prescribed burning. The prescribed burn plan will document all the conditions and factors that must be in place for the burn to be accomplished safely and the fire boss must certify such immediately prior to the ignition of the prescribed burn.

B. If unfavorable atmospheric, fuel, logistical, or other conditions exist or are predicted by a weather forecast, the fire boss must postpone the burn until burn plan parameters can be met. If NRCS personnel are present on the burn to provide prescribed fire application assistance prior to ignition and unfavorable conditions exist, NRCS employees are required to immediately inform the fire boss or client of the concerns and request that they take corrective action, which may include postponing the burn.

C. Should the designated fire boss or client not take corrective action and continues to implement the burn under conditions outside the parameters of the prescribed burn plan, NRCS employees are required to inform the fire boss and client that NRCS participation is prohibited and assistance is withdrawn, and employees will return to field office and document appropriately.

D. If an emergency situation develops during a properly applied prescribed burn, NRCS employees are to follow the direction of the designated fire boss and act responsibly to assist in resolving the situation.

E. The client (landowner or designee) must be onsite throughout the prescribed burn period. If the client chooses to name a designee, this name must appear in writing on the burn plan next to the client's name with a statement verifying that this person has been named by the client as the designee. **NRCS personnel will not serve as the client's designee.**

F. All persons present on a fire will wear nonflammable fire-resistant clothing; leather gloves; hardhat if burning in forest, shrub, or woodland; eye protection; and leather boots. Employees and all other persons must also be physically capable of performing the activities associated with prescribed burning.

### 413.16 NRCS Employee Liability

Employees acting in accordance with all Federal, Tribal, State, and local laws and within the scope of their work accept no greater or less liability than that associated with the performance of any other assigned duty. Any questions concerning liability are referred to the appropriate State conservationist and director of the Caribbean and Pacific Islands Areas.