

PART 413 – PRESCRIBED BURNING

SUBPART A – GENERAL

413.0 Purpose

This directive sets forth the ~~Natural Resources Conservation Service (NRCS)~~ policy for prescribed ~~burning~~.

Commented [CS1]: Most of subpart A was format changes

413.1 Background

NRCS supports and encourages the ~~appropriate~~ use of prescribed burning on ~~non-Federal~~ all lands to meet specific resource management objectives and on ~~Plant Material Centers~~ plant materials centers for the development, evaluation, and production of conservation plant materials. The national standard for prescribed burning is located in ~~the Title 450, National Handbook of Conservation Practices~~ ~~Chapter 3, “National Practice Standards.”~~ Conservation Practice Standard (CPS) Prescribed Burning (Code 338). The standard does not, and is not intended to preempt or supersede requirements established by ~~Local~~ local, State, Tribal, or Federal agencies, but is intended to serve as a baseline for effective planning and implementation of prescribed burns.

413.2 Authorities

The following references provide authority for this policy:

~~A.—The Soil Conservation Domestic Allotment Act, as amended (Public Law 74—46, 49 Stat. 163, 16 U.S.C. 590a)~~ Sec. 590(a), provides the basic authority for NRCS to carry out conservation measures on the land and to assist land users in conducting conservation activities. NRCS has specific responsibilities to assist owners and operators in planning and applying conservation programs.

413.3 Definitions

~~A.—Class of Burn—~~ A description of the physical and/or chemical properties of the fuel and the burn area. This ~~will also include~~ includes topography, size, and complexity. Examples of classes of burns might be grass, volatile trees over 10 feet tall, nonvolatile woody species, greater than 12-percent slopes, 640 acres, etc.

~~B.—The Clean Air Act (42 U.S.C. Sects. 7401—7671q)—~~ A Federal statute that contains requirements addressing air quality concerns as they pertain to the protection of public health and public welfare, including air quality concerns associated with all prescribed burns.

~~C.—Client—~~ An individual, group, or unit of government that is the recipient of NRCS technical assistance. Examples of NRCS clients are landowners, managers, or partners who are primarily responsible for the business entity in its dealings with NRCS. Specific client types are person, group, Tribe, corporation, organization, conservation district, and units of government.

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D.—Fire Boss——The individual designated by the client as the person in charge of the prescribed burn and is the decision-maker during the application of a prescribed burn. This will not be an NRCS employee.

E.—Prescribed Burn Certification——Documentation of the technical adequacy an NRCS employee has achieved relative to level of prescribed burn job approval authority (JAA) assigned to the employee. Technical adequacy is achieved or maintained through training, continuing education, or equivalent, as necessary to comply with NRCS State standards. The appropriate NRCS State specialist must certify the level of technical adequacy of the NRCS employee before the job approval authority JAA is approved by the State Conservationist/Directors conservationist and directors of the Caribbean Area and Pacific Islands Area Areas.

F.—Prescribed Burn Job Approval Authority——The level of technical assistance that an NRCS employee is qualified to provide based on the complexity of the prescribed burn. The extent of technical assistance will be restricted by the assigned level of prescribed burn job approval authority JAA issued by the State Conservationist/Directors conservationist and directors of the Caribbean Area and Pacific Islands Area Areas. An NRCS employee must meet the initial training and experience requirements as outlined in Title 190 General Manual Part subpart B, section 413.12, Certification, and Authority of this part of the general manual to be issued prescribed burn job approval authority JAA.

G.—Prescribed Burn Plan——A document providing critical information necessary to implement a prescribed burn. At a minimum, the required specific data include location of the burn, resource management objectives, pre burn preburn vegetation, required weather conditions, smoke management plan, notification checklist, burning method to be used, pre burn preburn preparation, firing sequence, job assignments, equipment checklist, identified escape routes and safety zones, plan for post burn postburn evaluation and management, and necessary signatures of approval.

H.—Prescribed Burning——Any fire ignited by management actions under certain, predetermined conditions to meet specific objectives related to hazardous fuels and management goals or identified resource concerns.

I.—Smoke Management——The policies and practices activities implemented by air and natural resource managers directed at minimizing the amount of smoke entering populated areas or impacting sensitive sites, avoiding significant deterioration of air quality and violations of National Ambient Air Quality Standards, and mitigating human-caused visibility impacts in Class class-I areas.

J.—Operations Director/Manager.—The operations director/manager is responsible for coordinating the overall implementation of the prescribed burn operation at the direction of the fire boss. The operations manager delegates leadership authority to crew chiefs and is responsible for maintaining contact with the fire boss and crew chiefs throughout the progression of the burn.

K.—Crew Chief.—The crew chief directs ignition and suppression operations for their area of responsibility as assigned by the operations manager/director. The crew chief is responsible for keeping in contact with each member of their crew and the operations director during the progression of the burn.

Commented [CS2]: Added these definitions to section clarifying what NRCS employees can do when assisting with prescribed fires

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SUBPART B – POLICY

413.10 Prescribed Burning

NRCS supports and encourages the use of prescribed burning within the context of ~~Conservation Practice~~ 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 ~~Conservation Practice~~ 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 awareness-training are required.~~

~~Awareness level: for prescribed burn certification JAA to determine need and prescribed burn job approval authority to include feasibility of prescribed burning as a practice in the conservation planning process. This training must include fire ecology and behavior, fire~~

~~(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 on resources (SWAPA), that include both positive and negative effects.~~

~~(iv) Safety—Onsite burner safety, and smoke management. Continuing education equivalent to 16 hours 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 at a minimum of 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.~~

~~C.—D. State Conservationist/Directors, conservationist and directors of the Caribbean Area and Pacific Islands Area Areas, or designee, will determine the additional training necessary for each level of prescribed burn certification and prescribed burn job approval authority. Continuing education is required at a minimum of every 5 years to maintain each level of prescribed burn job approval authority. JAA.~~

~~D.—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 job approval~~

Commented [CS3]: This section needed clarification, also added smoke management

Commented [CS4]: Changed this requirement from 16 hours to 4 hours in 5 years. Added clarification stating that if employees are gaining CEU's or actively participating or planning prescribed burns, then refresher course is not needed.

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~~authorityJAA~~ as approved by State ~~Conservationist/Directorsconservationists and directors~~ of the Caribbean ~~Area~~ and Pacific Islands ~~Area~~.Areas.

413.12 Certification and Authority

A.—Certification documents the ~~knowledge, skills, and abilitiesKSAs~~ an individual employee has relative to the assigned level of prescribed burn ~~job approval authority-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 ~~job approval authorityJAA~~ assigned. To achieve or maintain a level of ~~job approval authorityJAA~~, employees must demonstrate appropriate experience and complete necessary training, and~~or~~ continuing education requirements as identified by the State ~~Conservationist/Directorsconservationist and directors~~ of the Caribbean ~~Area~~ and Pacific Islands ~~Area~~.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 ~~job approval authorityJAA~~ is established in any State, and Caribbean ~~Area~~ and Pacific Islands ~~Area~~.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 ~~job approval authorityJAA~~ is granted by the State ~~Conservationist/Directorsconservationist and directors~~ of the Caribbean ~~Area~~ and Pacific Islands ~~Area~~.Areas. Prescribed burn ~~job approval authorityJAA~~ 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 ~~job approval authorityJAA~~ prior to delivery to the client.
- (4) Employees ~~cannot~~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 ~~job approval authorityJAA~~ to develop a prescribed burn plan, the employee ~~must have participated in at least one training burn at the level being assigned. —~~
 - (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) ~~Additionally, NRCS employees must demonstrate good judgment, knowledge, skills, and abilitiesjudgement and KSAs~~ in prescribed burning, ~~in order~~ to obtain prescribed burn ~~job approval authority-JAA~~.

Commented [CS5]: Added clarification to this section

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~~(7) Example A-1 in the appendix of the National Range and Pasture Handbook provides examples of prescribed burn job classification criteria and prescribed burn job approval authority.~~

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 ~~job approval authority~~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/Directors~~conservationist and directors of the Caribbean ~~Area~~ and Pacific Islands ~~Area~~Areas to receive consideration for certification and ~~job approval authority~~JAA.

F.—Any NRCS employee who violates NRCS ~~Prescribed Burning Policy~~ will ~~prescribed burning policy~~ may have ~~job approval authority~~ immediately disciplinary actions taken or ~~JAA~~ JAA revoked ~~as determined by the State~~ ~~conservationist~~.

Commented [CS6]: Added clarification

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 ~~etc.~~

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, ~~detailed~~, 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 ~~met 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, plant materials centers (PMCs), burns planned as a management or study tool will not be limited/restricted to no more than 10 number of acres per field or frequency of burns provided the PMC has personnel on site with proper JAA for any particular prescribed burn.~~

Commented [CS7]: Updated what can be done regarding PMC's and added clarification

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 ~~prescribe~~prescribed burn application.

(190-413-GM, XX Ed., Amend. 16, Jul 2019)

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B.–Extent of assistance an individual NRCS employee can provide is restricted by the individual's level of prescribed burn ~~job approval authority JAA~~.

C.–Employees without appropriate level of prescribed burn ~~job approval authority JAA~~ are encouraged to participate, under the supervision of an employee with proper certification and prescribed burn ~~job approval authority JAA~~ or others with appropriate authority (State certification, ~~NWCG National Wildfire Coordinating Group~~ certification, etc.), as a means of receiving training and experience.

D.–For purposes of ~~training providing technical assistance to~~ landowners, managers, and NRCS employees, NRCS personnel with appropriate prescribed burn ~~job approval authority JAA~~ may participate in the following activities (~~permitted only during designated training experiences~~):

- ~~(1) Serve as designated fire boss,~~
- ~~(1) Development and design of the prescribed burn plan.~~
- ~~(2) Serve as a team leader an operations manager for the implementation and completion of the burn.~~
- ~~(3) Direct field operations~~ 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; ~~and~~
- ~~(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 ~~Conservation Practice 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 ~~job approval authority JAA~~ for the class of ~~burned 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 ~~plant materials centers PMCs~~ with the appropriate level of prescribed burn ~~job approval authority JAA~~ and certification can ~~develop plans and~~ conduct burns at ~~plant materials centers 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 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

Commented [CS8]: Added clarification to what employees are allowed to assist with on prescribed burns and clarification to fire boss role and NRCS not being the client's designee.

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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.

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

~~C. E.~~ The client (landowner or ~~his/her~~ designee) must be ~~on-site~~ on-site 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.

~~D. F.~~ All persons present on a fire will wear ~~natural fiber~~ nonflammable fire-resistant clothing or "nomex" clothing; leather gloves; ~~hardhat~~ 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.

Commented [CS9]: Added clarification to this section

Commented [CS10]: Changed from Nomex which is still fine but clarified that nonflammable (cotton) or FR clothing is sufficient

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/Director~~ conservationist and director of the Caribbean ~~Area~~ and Pacific Islands ~~Area~~ Areas.

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SUBPART C – RESPONSIBILITIES

Commented [CS11]: This section changes were formatting

413.20 National Headquarters ~~Office~~

A.–The Deputy Chief for Science and Technology, under the direction of the Chief, is responsible to:—

- (1) Provide national leadership for policy and procedures for assisting clients on prescribed burning.
- (2) Approve prescribed burn policy.
- (3) Designate the NRCS ~~Applied Fire Ecologist~~ fire ecologist.

B.–The ~~Regional Associate Chiefs~~ regional associate chiefs ~~conservationists~~ are responsible to:—

- (1) Ensure that States and equivalent within their region are following the ~~Prescribed Burn Policy~~ prescribed burn policy.
- (2) Conduct a biannual review of ~~states~~ States and equivalent of the prescribed burn certification and job approval authorities (JAs) for ~~states~~ States that include the Conservation Practice Standard (CPS) Prescribed Burning (Code 338) in the Field Office Technical Guide.

C.–The ~~Director~~ director of the Ecological Sciences Division is responsible to:—

- (1) Ensure the development, implementation, and evaluation of policy and procedures on assisting clients and operators on prescribed burning.
- (2) Ensure the ~~Conservation Practice~~ CPS Prescribed Burning (Code 338) is maintained within national laws, regulations, and executive orders.

D.–The ~~National Range~~ national range and ~~Grazing Lands Ecologist~~ grazing lands ecologist of the Ecological Sciences Division is responsible to:—

- (1) Recommend to the ~~Director~~ director of Ecological Sciences Division development, implementation, evaluation, and revisions of ~~prescribed burn policy~~ on an as-needed basis.
- (2) Develop procedures and assist NRCS employees on clarification of prescribed burning policy.
- (3) Ensure ~~the Conservation Practice Standard~~ CPS Prescribed Burning (Code 338) is current and technically accurate.

E.–The ~~Designated~~ designated NRCS ~~Applied Fire Ecologist~~ fire ecologist is responsible to:—

- (1) Ensure that prescribed burn policy and procedures are current, and technically accurate.
- (2) Ensure that necessary prescribed burn guidance and exhibits are contained in ~~the~~ Title 190, National Range and Pasture Handbook (190-NRPH), and ~~the~~ Title 190, National Plant Materials Manual.
- (3) Provide assistance, training materials, and training regarding prescribed burning at the national and regional level.

413.21 National Technology Support ~~Center Offices~~ Centers

—Directors of ~~National Technology Support Centers~~ national technology support centers are responsible to:—

- ~~A.~~(1) Provide assistance to the service area in development of ~~Prescribed Burn Certification~~ prescribed burn certification and ~~Prescribed Burn Job Approval Authority~~ prescribed burn JAA where ~~the Conservation Practice conservation Practice~~ CPS Prescribed Burning (Code 338) is included in the Field Office Technical Guide.
- ~~B.~~(2) Assist the service area in identification, development, and delivery of prescribed burn training.
- ~~C.~~(3) Ensure that staff assigned to support the service area on prescribed burn training acquires adequate level of expertise to accomplish the mission.

413.22 ~~State/ States and Caribbean Area and Pacific Islands Area~~ Offices Areas

The State ~~Conservationist/Director~~ conservationists and director of the Caribbean ~~Area~~ and Pacific Islands ~~Area~~ Areas are responsible to:—

- ~~A.~~(1) Ensure that employees operate within ~~National~~ national, Federal, State, Tribal, and local laws, regulations, policies, and procedures for prescribed burning.
- ~~B.~~(2) Provide adequate training and equipment for employees involved in prescribed burning activities.
- ~~C.~~(3) Develop prescribed burn ~~job approval authority~~ JAA criteria and ensure that employees act within their assigned levels of authority.
- ~~D.~~(4) Identify and approve partners and others qualified to provide prescribed burn plan development, application, and training.
- ~~E.~~(5) Determine the amount and kind of training necessary for each level of ~~job approval authority~~ JAA.
- ~~F.~~(6) Ensure that prescribed burn job approval criteria are reviewed and concurred with, in advance, by the appropriate technical specialist.
- ~~G.~~(7) Develop a system of certification for documenting continuing education and training to achieve and maintain proficiency and prescribed burn ~~job approval authority~~ JAA.
- ~~H.~~(8) Ensure that only qualified NRCS employees are used for reviews and spot checks of prescribed burning activities, or, develop a system for reviews by approved partners and others of prescribed burning activities including prescribed burn plan development.
- ~~I.~~(9) Develop a system to approve all prescribed burning training activities in the State, ~~and Caribbean Area,~~ and Pacific Islands ~~Area~~ Areas.
- ~~J.~~(10) Work with districts, ~~state~~ State agencies, other ~~federal~~ Federal agencies, universities, cooperative extension, consultants, ~~NGO's~~ NGOs, and other partners to promote prescribed burning as a safe and effective management tool for multiple land uses and purposes in the ~~state~~ State.

413.23 Field Offices (or equivalent)

The ~~Field Office~~field office (or equivalent) technical leader (e.g., ~~Area Conservationist, District Conservationist, Team Leader~~area conservationist, district conservationist, team leader, and ~~Group Leader~~group leader, or equivalent) is responsible for providing local leadership in implementing prescribed burning policy and procedures in accordance with ~~job approval authority~~JAA and/or certification. The NRCS employee responsible for doing the initial check or ~~Spot Check~~spot check of the completed ~~Prescribed Burn~~prescribed burn conservation practice needs to be satisfied that the work is complete (see ~~Spot Checking Policy GM 407~~Title 450, General Manual, Subpart B, Section 407.11); ~~“Certifying Completed Work”~~). If ~~job approval authority~~JAA is insufficient to support a knowledge-based level of satisfaction, the employee should request personnel with experience and higher level of job authority to review the applied practice. These personnel may be from an adjoining ~~state~~State or a ~~National Technology Support Center~~national technology support center. The employee may also request training ~~in order~~ to reach a level of knowledge, experience, and ~~job approval authority~~JAA to be satisfied with the prescribed burning activities and practice documentation.

413.24 Plant Materials Centers

The Plant Materials Center (PMC) technical ~~scientist (leader or equivalent) responsible person (e.g. Manager, Assistant Manager, Biological Technician, Farm Manager)~~manager is responsible for providing leadership in implementing prescribed burning policy and procedures at ~~Plant Materials Centers~~PMCs, in accordance with ~~job approval authority~~JAA and/or certification.