

# **TPE Prescribed Burn Policy & Procedures**

Revised version approved by the Board on 8/15/2023.

## **Introduction**

Prescribed fire is a critical management tool for The Prairie Enthusiasts (TPE) to carry out its conservation mission, and as an organization TPE wants to increase the amount of appropriate prescribed fire used for conservation purposes. TPE relies significantly upon volunteers and also works with private contractors to plan and conduct prescribed burns on properties both owned by TPE and owned by others.

All prescribed burns have a risk of accidental personal injury and/or property damage from either the burn itself or the smoke produced. It is critical, of course, that those planning and conducting the burn utilize all reasonable best practices to prevent accidents from happening. However, in cases where these accidents occur, both the TPE organization and all the personnel involved with the burn (including volunteers, TPE staff, paid contractors, and the landowners) bear a risk of being sued and potentially held liable for damages. This risk is significantly increased if the organization or the personnel involved are found to be negligent in how they planned for and conducted the burn. TPE carries burn insurance designed to mitigate the potential financial loss due to liability suits, including the legal costs involved in their defense and potential damages awarded. This burn policy was developed in conjunction with both our insurance agent and legal counsel with this liability risk and insurance coverage in mind.

The purposes of this policy are:

1. Improve burn safety through use of best practices, minimizing risk of escaped fire and smoke, injury to burn personnel and bystanders, and damage to property.
2. Minimize the potential risk to the TPE organization, to individuals conducting the burn, and the landowner for legal liability damages in the event of accidents.
3. Maximize the potential for insurance coverage for accidents that might occur.

## **Definition of TPE Burns & TPE-Adopted Burns**

Under some conditions, TPE as an organization has an intrinsically high risk of liability costs for accidents arising from a prescribed burn. Burns conducted under these conditions are referred to as **TPE Burns**. All the elements of this Burn Policy must be followed by those involved with conducting TPE Burns, whether they are volunteers, TPE staff, paid contractors, or landowners. In other cases, TPE may *elect* to provide liability protection for those conducting the burn a burn for which it does not have a significant intrinsic risk, provided the Burn Policy is complied with by everyone involved. These burns are referred to as **TPE-Adopted Burns**.

All burns conducted on TPE-owned properties, on properties for which TPE holds a conservation easement, or for which TPE has a written management agreement (whether they are conducted by volunteers or paid contractors) are considered TPE Burns. In

addition, all burns conducted under Burn Contracts with TPE or one of its chapters, burns involving TPE staff on work time, or burns run by contractors hired by TPE are also considered TPE Burns.

Burns on private or public properties with no TPE written management agreement or easement that do not meet the above conditions may be considered TPE-Adopted Burns, thereby coming under the protection of TPE's burn insurance, provided the following conditions are met:

1. The landowner's property is an adopted project of the local TPE chapter.
2. A written burn plan is approved by a TPE authorized burn plan approver.
3. All the other documentation and crew qualification requirements of the Burn Policy are met.
4. The landowner signs the required landowner form(s).

Note that TPE communications resources soliciting volunteer burn crews may only be used for TPE Burns or TPE-Adopted Burns. Use of loaned TPE equipment (see below) does not make a burn a TPE-Adopted Burn unless the other requirements are met.

### **Elements of TPE Burn Policy & Procedures**

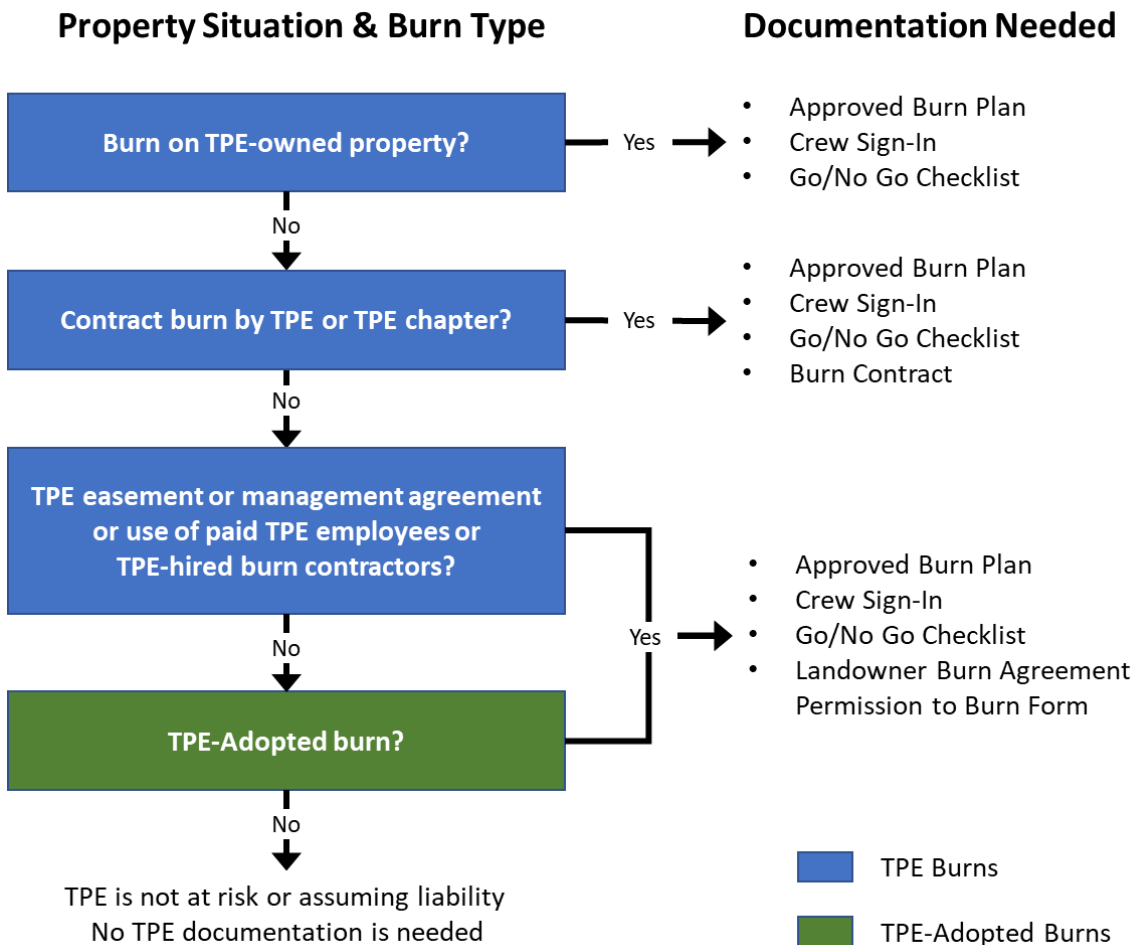
The following are the key elements of this TPE Burn Policy:

1. All volunteers and TPE staff involved with TPE Burns and/or TPE-Adopted Burns will have signed a *Burn Volunteer Agreement* reviewed and approved by the TPE Land Management Committee indicating they have a required level of training and experience for a specific crew classification level. A record of the current approved classification level for all volunteers and TPE staff who participate in burns will be maintained by the Chapter Support staff.
2. All TPE Burns and/or TPE-Adopted Burns will have a written *Burn Plan* in a TPE-approved format which is approved prior to the burn by an authorized plan approver.
3. If the burn is being conducted on a property not owned by TPE, there must be a signed *Landowner Burn Agreement* between the Landowner and TPE. Exceptions to this requirement are when the burn is being performed under a signed *TPE Burn Contract*, TPE holds a conservation easement on the property, or TPE has a written management agreement with the Landowner, and these other agreements have similar provisions to the Landowner Burn Agreement. In addition, the Burn Plan for the specific burn must be reviewed prior to the burn with the Landowner, who must sign a *Permission to Burn* form or TPE Burn Contract for the burn.
4. On the day of the burn, the burn boss will fill out a *Go/No Go Checklist*, and the burn will not be conducted unless all the key burn plan prescription requirements are met. The Go/No Go Checklist also includes a post-burn report, which includes the total acres burned and information about the results.

5. On the day of the burn, all burn crew members will register on a *Crew Sign-In Sheet*, recording who participated and in what roles.
6. After completion of the burn, a *Burn Documentation Package* must be sent to a designated Chapter Support staff person, who will maintain a file of all burn documentation. The Burn Documentation Package must include at a minimum the approved Burn Plan, the signed Permission to Conduct Prescribed Burns form (where applicable), the Crew Sign-In Sheet, the completed Go/No Go Checklist.

A separate *TPE Burn Best Practices* document includes safety equipment and procedures recommended by the organization for all burns. It is the responsibility of the Burn Boss to ensure that all safety best practices are reasonably met as the burn is conducted.

### Overview of TPE Burn Policy Elements



## **Crew Classifications & Requirements**

A critical requirement of the TPE Burn Policy is that all those participating in burns have the required training and experience for their roles during the burn. There are three primary crew classification levels – burn boss, crew leader (or line boss), and crew member. An apprentice level enables novice burn crew members to obtain required live burn experience under proper supervision. Burn observers are not allowed to actively participate in the burn. All participants in burns must be 16 years of age or older. Those under 18 years of age must have written parent/guardian approval.

The following are the minimum training and experience required for each crew classification level:

### ***1. Burn Boss***

- Meets Crew Member and Crew Leader requirements as described under those classifications.
- Has served as crew leader at least 20 times.
- Has participated in at least 50 or more burns.
- Has formal training or certification under **one** or more of the following:
  - Experience and training reviewed by the TPE Land Management Committee and is authorized by the Committee as burn boss qualified for TPE Burns (NOTE: Once curriculum standards are adopted by the TPE board for burn boss training, such training will be required of all new burn bosses on TPE Burns, and those accepted as qualified by the Land Management Committee under the interim policy will be reconsidered on a case by case basis for whether or not to be required to take the formal training),  

or
  - Certification under the National Wildfire Coordinating Group (NWCG) standards to be a burn boss (must have a certificate),  

or
  - Meets the training requirements for a burn boss of the state conservation agency or prescribed fire council of the state in which the burn is taking place (must provide documentation).

### ***2. Crew Leader (or Line Boss)***

- Meets Crew Member requirements as described under that classification
- Has participated in at least 20 burns
- Has formal training or certification under **one** or more of the following:
  - Experience and training reviewed by the TPE Land Management Committee and is authorized by the Committee as crew leader qualified for TPE burns (NOTE: Once curriculum standards are adopted by the TPE board for crew

leader training, such training will be required of all new crew leaders on TPE burns, and those accepted as qualified by the Land Management Committee under the interim policy will be reconsidered on a case by case basis for whether or not to be required to take the formal training),

or

- National Wildfire Coordinating Group (NWCG) certificates for courses S131, S-290, and S-234,

or

- Meets the training requirements for a crew leader of the state conservation agency or prescribed fire council of the state in which the burn is taking place (must provide documentation).

### ***3. Crew Member***

- Has participated in at least 2 burns
  - Was approved by the TPE Land Management Committee prior to January 1, 2015, and/or has formal training or certification under one of the following:
    - Formal basic crew member training following curriculum approved by the TPE Land Management Committee,
- or
- NWCG certificates for courses S-190 & S-130,
- or
- Meets the training requirements for a basic crew member of the state conservation agency or prescribed fire council of the state in which the burn is taking place

### ***4. Apprentice***

- Formal crew line training as described under Crew Member requirements

### ***5. Observer***

- No formal training or burn experience required

### ***Burn Volunteer Agreements***

All volunteer crew members and leaders and TPE staff burn crew members and leaders must sign a TPE Burn Volunteer Agreement, also signed by an authorized representative of TPE. The Burn Volunteer Agreement attests that:

1. The volunteer has the proper training and experience for their specified crew classification level. An updated agreement will be made for each change in crew classification level.
2. The volunteer has read, understood, and will abide by the current TPE Burn Policy for all burns they participate in with TPE.

3. The volunteer will hold TPE harmless in the event of any personal injury incurred on a prescribed burn with TPE.
4. The volunteer will not participate in burns unless they are physically fit to do so on the day of the burn.
5. TPE will provide protection to the volunteer from liability damages and related legal expenses arising from injury or property damage caused by a TPE Burn or TPE-Adopted Burn in which they participate.

Currently authorized TPE crew members and leaders may continue to participate in TPE Burns and TPE-Adopted Burns without a signed agreement until June 30, 2023, after which a signed agreement will be required.

A database must be maintained by TPE Chapter Support of all volunteers and TPE staff who participate in burns, documenting the approved crew classification level for each person.

## **Burn Plans**

A Burn Plan must be written by an accepted burn boss and approved by an accepted burn plan authorized plan approver for every TPE Burn or TPE-Adopted Burn prior to ignition. The burn must be conducted within the parameters set forth in the plan. The plan must follow the standard TPE Burn Plan format or a plan format containing similar components. Once a plan is approved, it remains in effect and may be used for burns during the next three years, so long as no changes have occurred to the site or other circumstances which would affect the burn.

### ***Burn Plan Approval Process***

Each chapter may designate one or more qualified people (Authorized Burn Plan Approvers) to review and approve Burn Plans submitted for their chapter's burns. A person is qualified to serve as an authorized plan approver if that person meets the minimum TPE Burn Boss level qualifications (See Crew Classifications & Requirements) and is approved by the TPE Land Management Committee. The committee's decision will be based on a review of the proposed authorized plan approver's prescribed burn training and experience history. The Chapter Support staff will maintain a database of authorized plan approvers and their qualifications.

Should a chapter choose not to seek an authorized plan approver specific for their chapter, their Burn Plans may be submitted to a central authorized plan approver approved by the TPE Land Management Committee.

All TPE Burn Plans are to be submitted by the author (usually the Burn Boss) to the appropriate authorized plan approver for review and signed approval. It is strongly recommended that Burn Plans be submitted well in advance of the burn season, and that they be considered by the approver in a timely manner. Burn Plans that need revision are to be returned to the author with suggested revisions, and a revised version resubmitted to the authorized plan approver for approval. Approved (signed) Burn Plans are returned to

the plan's author to be used at the burn, as well as to the chapter burn coordinator to be added to the Burn Documentation Package for the burn.

In cases that do not allow enough time for transmittal of signed documents, approval may be granted by the authorized plan approver to the plan's author via e-mail, provided that a signed copy of the plan is submitted with the Burn Documentation Package.

## **Landowner Agreements and Documentation**

### ***Landowner Burn Agreements***

If the land to be burned is not owned by TPE, there must be a signed Landowner Burn Agreement between the landowner (private or public) and TPE. The Landowner Burn Agreement clarifies both party's risks, responsibilities, and liabilities before and after the burn is completed. A Landowner Burn Agreement is a one-time agreement that may cover multiple burns on the property over an extended period of time. All completed Landowner Burn Agreements must be submitted to the designated TPE Chapter Support staff person responsible for burn documentation.

If TPE and the landowner have signed a written management agreement containing key provisions of the Landowner Burn Agreement, a separate Landowner Burn Agreement may not be needed. These exceptions must be reviewed and approved by the Land Management Committee.

A new Landowner Burn Agreement must be signed with each successive landowner of properties for which TPE holds a conservation easement and the easement contains language granting TPE the right to conduct prescribed burns on the property. However, in some cases the current landowner may not want to sign a Landowner Burn Agreement. An exception may be granted in these cases allowing the burn to proceed without a signed Landowner Burn Agreement, but only after careful review and approval by the TPE Board of Directors.

### ***Permission to Burn Form***

For each burn on the landowner's property, the landowner will be given an opportunity to review the burn plan(s) and must sign a Permission to Burn form prior to the burn covering a specific range of dates which indicates that they have reviewed the burn plan and granted permission for the specific burn. In some cases, (particularly where the landowner is a government or institutional entity) obtaining such permission for each burn may not be practical. These exceptions must be reviewed and approved by the Land Management Committee.

Like the Landowner Burn Agreement, in some rare cases the current landowner of property for which TPE holds a conservation easement (that authorizes TPE to conduct burns on the property) may not want to sign a Permission to Burn Form even though a Landowner Burn Agreement has been signed. In these cases, the landowner should be informed of the reasons for the planned burn and, if after discussion with the landowner, the landowner still refuses to sign a Permission to Burn Form, the burn may be conducted without a signed Permission to Burn Form only after review and approval of the Land Management Committee.

### ***TPE Burn Contracts***

In the case of a one-time prescribed burn performed by TPE for pay, the landowner must sign a TPE Burn Contract, which incorporates the provisions of Landowner Burn Agreement and Permission to Conduct Prescribed Burns form (making those forms unnecessary).

The forms for the Landowner Burn Agreement, Permission to Conduct Prescribed Burns, and TPE Burn Contract must be approved by the TPE Board.

### **Go/No Go Checklist**

On the day of the burn and prior to ignition, the burn boss must review each item on the TPE Go/No Go Checklist and sign and date the form. This must be done for each burn. Multiple burns at the same location on the same day, and with similar complexity and conditions, may be covered by a single Go/No Go Checklist. If any of the Burn Plan prescription conditions and/or requirements are not met on the day of the burn, the burn must not be conducted. The burn boss must also complete the Post Burn Report section of the Checklist, including at an absolute minimum the total number of acres burned.

### ***Burn Bans***

No burn may be conducted when a burn ban (issued by local or state authorities) is in place, or when an air quality particulates alert is in place for the area in which the burn is to take place. The burn boss is responsible for checking prior to the burn if a burn ban is in place.

### ***Burn Permits and Notifications***

The burn must meet all jurisdictional requirements for conducting prescribed burns, including obtaining burn permits where required. Local fire departments and/or other authorities should be notified where appropriate or required. The burn boss is responsible for understanding local requirements, and documenting permits and notifications on the Go/No Go Checklist.

### **Crew Sign-in**

Every participant on a burn must be signed in (both legible printing of their name and signature) and their participation level (Burn Boss, Crew Leader, Crew Member, Apprentice, or Observer) recorded for each burn on a Crew Sign-in Sheet. For multiple burns in a day, one sign-in sheet may be used with a column for each of the burns. The sheet form will also have a reminder of the liability waiver and physical fitness self-assessment agreed to in the Burn Volunteer Agreement.

### **Burn Documentation Package**

After a burn is completed and no later than shortly after the end of the chapter burn season, a Burn Documentation Package must be submitted for all TPE and TPE-Adopted



Burns to the designated Chapter Support staff burn record keeper, who will maintain a permanent record file of all burn documentation. The Burn Documentation Package must include at a minimum the approved Burn Plan, the signed Permission to Conduct Prescribed Burns form (where applicable), the Crew Sign-in Sheet, and the signed Go/No Go Checklist for the burn.

## **Incident Reports**

Any incident of fire escape, injury to burn personnel or others, or loss/damage of equipment over \$1,000 in value, or property damage resulting from a prescribed burn, must be reported to the TPE Land Management Committee chair and TPE Executive Director within 24 hours along with a written description of what happened. The Land Management Committee will decide if a full Lessons Learned document should be prepared to use in training and annual reviews.

## **Other Policies**

### ***Burn Contractors***

Contractors may be employed to plan and conduct TPE Burns and TPE-Adopted Burns. However, they must provide proof of both Workman's Compensation Insurance (if they have more than one employee) and prescribed burn insurance coverage of at least \$1 million, with TPE as a named insured on the burn insurance policy.

Burn contractors are required to meet all the documentation requirements of this Burn Policy for all TPE Burns and TPE-Adopted burns they conduct, including documentation of crew training and experience, written Burn Plans and plan review, Crew Sign-In, Go-No Go Checklist and Post-Burn Report. Note that chapters may choose to designate contractors as authorized plan approvers if desired, with the approval of the Land Management Committee.

### ***TPE Prescribed Burn Best Practices Document***

The TPE Land Management Committee will maintain a separate TPE Prescribed Burn Best Practices document that details the requirements and procedures needed for safe conduct of prescribed burns, based on the experiences of burn volunteers and professionals in the organization. While these best practices are not strict policy requirements, it is considered the responsibility of all burn leaders and crew members to adhere to these procedures to the best of their ability. The document also will form a basis for training programs in the organization.

### ***Loans of TPE Burn Equipment***

TPE equipment may be loaned out to landowners and partner organizations. Borrowers must sign a TPE Burn Equipment Loan Agreement, holding TPE harmless, testifying that they are experienced in the use of the equipment, and agreeing to return the equipment in good operating condition.

*Loaning out of TPE burn equipment for a prescribed burn does not make that burn a TPE-Adopted Burn and does not cover those borrowing the equipment under TE's burn insurance unless all the other requirements of the Burn Policy are met.*

### ***Brush Pile Burns***

Brush piles should be burned when conditions are such that there is a very low risk of the fire spreading. These burns do not require burn plans or documentation, but still must be conducted with caution. In particular, the fuels surrounding the brush pile should have sufficient snow cover or moisture to effectively prevent ignition. If the brush pile is large enough to cause the fire to remain hot for more than 8 hours, there must be conditions (including snow cover, weather, adjacent fuel, and soil moisture) to effectively prevent ignition for at least 3 ½ days. See the TPE Burn Best Practices document for more details about safely conduction brush pile burns.

### **Burn Policy Addenda**

- 1) TPE Burn Plan form.
- 2) TPE Volunteer Agreement form
- 3) TPE Burn Crew Sign-in form.
- 4) TPE Go-No-Go Checklist form.
- 5) TPE Landowner Burn Agreement form.
- 6) TPE Permission to Burn form.
- 7) TPE Burn Contract form.
- 8) TPE Burn Equipment Loan Agreement form.