



Protecting Our Resources

Prescribed Burn Management During County Burn Bans

Overview

Prescribed burning is a management tool widely used by foresters, parks departments, range and wildlife managers, ranchers and other landowners to manage excessive natural fuels under very specific and safe conditions. Many states across the United States have a large percentage of public land, making statewide coordinated prescribed burn plans feasible. However, 98 percent of Texas' land is privately held, which makes having a statewide plan more difficult. In Texas, better utilization of prescribed burning as a management tool will require state, local and landowner collaboration to ensure we are managing over resources in a way that will actually reduce wildfires, rejuvenate wildlife habitat, provide control of invasive brush and improve watersheds.

As a result of discussions with stakeholders, as well as federal, state and local governments, the Texas Department of Agriculture (TDA) has created a template for landowners and local governments to utilize in establishing burn bans or allowing exceptions to burn bans. The template provides for prescribed burning under specific criteria to ensure natural fuels can be managed when conditions are often most favorable to safely achieve the desired results.

Recommended Requirements for Exceptions to a Burn Ban

When possible, criteria for exceptions should be included in the original burn ban order. This is more desirable than amending a burn ban already in place.

A template should include the minimum requirements necessary for an individual or group to conduct a prescribed burn within a burn ban including:

Education/Training

The county should indicate if any specific education or training requirements are necessary for an individual or group to conduct a prescribed burn. Some counties require a specific course of instruction while others may require more specific experience and training requirements. If specific requirements are adopted by the county, the requirements should be included in the county burn ban order.

Written Burn Plan

The county should require a written burn plan prepared by an appropriately trained and experienced individual, association or entity. Examples include but are not limited to: an appropriately trained individual with the Natural Resources Conservation Service (NRCS), Texas Forest Service (TFS), Texas Parks and Wildlife Department (TPWD), Texas Agri-Life Extension Service or Texas Agri-Life Research; an individual who holds a private or commercial certified prescribed burn manager license issued by TDA or a local prescribed burn association; or any individual determined by the county to have significant experience in prescribed burning.

Counties are also encouraged to utilize state and federal staff expertise when evaluating burn plans if the county does not have the resources to determine if a burn plan meets prescribed burn standards.

A written burn plan should at minimum include the following (see attached example):

- Purpose of the burn
- Prescribed burn manager information
- Burn site information (location, directions, etc.)
- Personnel requirements for conducting the burn
- A description of areas to be burned (fuel types, topography and previous treatments, number of acres to be burned, etc.)
- Preburn factors (fireguards, pumpers, crew size, tools and equipment, weather monitors, smoke sensitive areas, special precautions, etc.)
- Safety and contingency plans addressing smoke intrusions
- A detailed notification list that includes notification requirements for: the Texas Commission of Environmental Quality, local law enforcement, local fire marshal, local emergency coordinator, Department of Public Safety fire coordinator, neighbors, local volunteer fire department, and/or other appropriate entities
- A “Burn/Do Not Burn Checklist” (see attached)
- Demonstration of fire suppression ability, proving the ability to have proper fire suppression equipment and manpower to manage the burn

Exception categories

The burn ban exceptions should be clearly identified in the Commissioners Court Order establishing the burn ban. It is also recommended that the burn ban clearly articulate that the ban does not apply to already exempted activities as outlined in the Chapter 352 of the Local Government Code.

Counties should consider establishing a category of exception for federal and state agencies and institutions of higher education to ensure park and other state managed lands can be adequately managed during burn bans. Additionally, many of these entities conduct research and demonstration projects throughout the year to educate landowners about properly developing a burn plan and conducting a prescribe burn. An exception for these activities would also be useful. Examples of entities include: NRCS, TPWD, TFS, U.S. Fish and Wildlife Service, Texas Agri-Life Extension Service and Texas Agri-Life Research

There are many challenges facing counties during the extreme weather and drought conditions that precipitate a countywide burn ban. However, prudent use of prescribed burning can be an extremely beneficial tool for counties to help mitigate the impact of wildfires, which can devastate communities across this state. Through cooperation and coordination at the landowner and local, state and federal government levels, we can create an opportunity to ensure better communication and understanding of prescribed burning and its benefits to communities during difficult times.

TEMPLATE
COUNTY BURN BAN ORDER
TO INCLUDE PRESCRIBED BURN CRITERIA

COUNTY OF _____

STATE OF TEXAS

**ORDER PROHIBITING
OUTDOOR BURNING**

WHEREAS, Section 352.081 of the Local Government Code provides that the commissioners court of a county, by order, may prohibit outdoor burning in the unincorporated area of the county if the commissioners court makes a finding that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and,

WHEREAS, the ____ County Commissioners Court does hereby find that circumstances present in the unincorporated areas of _____ County create a public safety hazard that would be exacerbated by certain outdoor burning; and,

WHEREAS, Section 352.081 of the Local Government Code provides for exemptions from county burn bans for certified prescribed burn managers meeting the requirements of Natural Resources Code, Ch. 153, and the County Commissioners Court believes that additional exceptions are warranted to reduce the likelihood of dangerous and uncontrolled wildfire.

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for portions of the unincorporated areas of _____ County, Texas not subject to public ownership or stewardship for the duration of the above mentioned declaration:

(1) Actions Prohibited:

Except as described hereinafter, a person violates this order if he/she ignites, or causes ignition of any combustible or vegetative material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning or ignition by others.

(2) Enforcement:

- (a) Under notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and to extinguish the fire.
- (b) If requested by a fire official, a duly-commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.
- (c) In accordance with Section 352.081 of the Local Government Code, a person who knowingly or intentionally violates this order commits a Class C

Misdemeanor, punishable by a fine up to \$500.

- (d) If the responding peace officer finds that the person responsible for the fire is in violation of (1) above, a citation shall be issued for: Violation of Burn Ban Order.

(3) Exceptions:

- (a) This order shall not apply to the outdoor burning of vegetative material caused by welding or by other causes relating to the act of welding, if such burning is not malicious or intentional.
- (b) This order shall not apply to a prescribed burn conducted by burn personnel of a federal or state agency, or an institution of higher education for prescribed burns on agency owned or managed properties, or for purposes of training local fire department personnel or prescribed burn managers.
- (c) This order shall not apply to a prescribed burn conducted for the purpose of research or demonstration by burn personnel of a federal or state agency, or institution of higher education.
- (d) This order shall not apply to burning of vegetative material when such burning is performed by an individual with appropriate training and experience in conducting burns and in accordance with a prescribed burn plan which:
 - i. addresses the useful nature of such activity as a land and natural resource management tool;
 - ii. includes appropriate safety and protective measures; and
 - iii. is submitted and approved by the _____ County Office of Emergency Management (OEM) and/or the Fire Chief of the Volunteer Fire Department or Emergency Services District where the burn site is located. The _____ County OEM shall promulgate rules and procedures for the submission and approvals of such activities.

{This section could be used to further identify any specific needs the county would like addressed within the prescribed burn plan.}

- (e) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.

- (f) This order shall not prohibit prescribed burning by a commercial or private prescribed burn manager certified by the Texas Department of Agriculture, or by other individual or entities exempted by Section 352.081 of the Local Government Code.

Be it also **ORDERED** that the purpose of this order is the mitigation of the public safety hazard posed by wildfires during the current dry weather period, by curtailing the practice of outdoor burning without specific approval of the commissioners' court or without appropriate licensing from the state.

This order prohibiting outdoor burning shall remain in effect for a period of forty-five (45) days,

and shall expire at the end of said period or upon the date the _____ County Commissioners Court, by order, determines that the circumstances present in the unincorporated areas of _____ County no longer create a public safety hazard that would be exacerbated by outdoor burning, whichever occurs earlier.

ORDERED THIS __ DAY OF __, 2009

_____ COUNTY COMMISSIONERS COURT

County Judge

Commissioner, Pct 1

Commissioner, Pct. 2

Commissioner, Pct. 3

Commissioner, Pct. 4

Prescribed Burn Plan Worksheet

The following is designed to assist you in developing a burn plan during a burn ban.

PRESCRIBED BURN MANAGER INFORMATION			
<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms. <input type="checkbox"/> ____	First Name	M. I.	Last Name
Certificate No. - -		Burn Unit	
Date of fire / / month day year		Signature of Responsible Party	

BURN SITE INFORMATION			
Land Owner Name			
Address			
City		State	Zip
County	Ranch/Site Name		Pasture Name
Acres to be Burned		Longitude/Latitude	
Record of Previous Burning Date / / Result month day year			
Burn Justification _____ _____ _____ _____ _____			

Name _____ Ranch/Site Name _____

AGENCY NOTIFICATION	PERSON CONTACTED
<input type="checkbox"/> Texas Commission on Environmental Quality	Name _____
<input type="checkbox"/> County Sheriff	Name _____
<input type="checkbox"/> Texas Forest Service	Name _____
<input type="checkbox"/> Regional Fire Coordinator	Name _____
<input type="checkbox"/> Other	Name _____
<input type="checkbox"/> Other	Name _____

DESCRIPTION OF AREA	
Live fuels	Type _____ Density _____ Size _____
Dead fuels	Description _____ Moisture _____ Time-lag _____
Typography/elevation	
Previous treatments	

Name _____ Ranch/Site Name _____

PREBURN FACTORS

Fire guards: specify width (attach map).

plow ☐ _____ mow ☐ _____ wet line ☐ _____ blackline ☐other ☐ _____

Crew size: Minimum number required:

Pumpers (number/names):

Ignition crew:

Hand tools:

Weather monitor:

Equipment needs:(describe)

Protection needs:(buildings, powerlines, oil/gas facilities, hunting blinds, etc.; see map)

Ignition Procedures (see map):

Smoke sensitive areas: (see map)

No ☐Yes ☐

Special Precautions: (see map)

No ☐Yes ☐**PRESCRIPTION**

Date of burn (Blacklines)

Time of burn (Blacklines)

Date of burn:

Time of burn:

DESIRED PRESCRIPTION RANGE (BLACKLINES)**Actual**Temperature (⁰F)

Relative Humidity

Wind Direction

Wind Speed

Fuel Load (lbs/acre)

Fuel Load (tons/acre)

Name _____ Ranch/Site Name _____

Dead Fuel Moisture (1-hr)		
Dead Fuel Moisture (10-hr)		
Dead Fuel Moisture (100-hr)		
Live Fuel Moisture		
DESIRED PRESCRIPTION RANGE (HEADFIRE)		Actual
Temperature (⁰ F)		
Relative Humidity		
Wind Direction		
Wind Speed		
Fuel Load (lbs/acre)		
Fuel Load (tons/acre)		
Dead Fuel Moisture (1-hr)		
Dead Fuel Moisture (10-hr)		
Dead Fuel Moisture (100-hr)		
Live Fuel Moisture		
SMOKE MANAGEMENT		Actual
Mixing Height		
Transport Wind Speed		

ACTIVITY	PERSONNEL ASSIGNED
Maintain close observation of the burned area until the fire is completely extinguished	
Maintain contact with weather station until the fire is extinguished	
Take immediate positive action to ensure safety of the fire should a dangerous change in the weather occur or be forecast	
Check perimeter for firebrand sources such as trees, posts, cow chips, logs, etc	

Name _____

Ranch/Site Name _____

MISCELLANEOUS NOTES OR COMMENTS

OTHER CONSIDERATIONS

Consider not burning log-littered areas if the weather forecast is for strong winds within three days following a burn.

Consider not burning within 12 hours of a predicted wind shift.

When graded or bladed strips are used as fireguards, rolls of soil should be left on the side of the area next to the fence or away from area to be burned.

Continuously monitor weather factors affecting fire behavior.

Name _____

Ranch/Site Name _____

Map(s) of Area to be Burned

Include items such as legend, magnetic north, water sources, roads, gates, safety zones, escape routes, fire guards, areas to be protected, ignition area, smoke sensitive areas, special precautions etc.

Burn/Do Not Burn Checklist

****For prescribed burns conducted during a burn ban with express authorization of the county.****

The following questions should be completed before conducting a prescribed burn.

The following questions should have a YES response in order to conduct a prescribed burn during a county burn ban.	
1. Is the individual approved to conduct the prescribed burn on site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is an approved written prescribed burn plan established for the proposed burn?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Are safety requirements met for the proposed burn?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Are planned burn personnel and equipment on site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Have the following entities in the county where the burn is to take place been notified:	
County judge	<input type="checkbox"/> Yes <input type="checkbox"/> No
County commissioners court	<input type="checkbox"/> Yes <input type="checkbox"/> No
Local volunteer fire department(s)	<input type="checkbox"/> Yes <input type="checkbox"/> No
County sheriff's office	<input type="checkbox"/> Yes <input type="checkbox"/> No
Texas Forest Service regional fire coordinator	<input type="checkbox"/> Yes <input type="checkbox"/> No
Texas Commission on Environmental Quality (TCEQ)	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Have all necessary fire suppression units been briefed on the burn plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Have risks been determined to be acceptable?	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Has a current weather forecast been obtained?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Is current weather within the burn plan parameters?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Is fire behavior projected to be within the burn plan parameters?	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Are projected fire effects acceptable?	<input type="checkbox"/> Yes <input type="checkbox"/> No
12. Does smoke management adhere to TCEQ guidelines?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Any "NO" responses create a DO NOT BURN situation

¹ BURN MANAGER SIGNATURE	
Burn Unit	Date of fire / / month day year
Printed Name	Signature

These are recommendations only and not inclusive of all considerations and factors affecting a prescribed burn.