

Texas A&M AgriLife Extension Service

Prescribed Burn Guidelines

Prescribed burning is a recognized, science-based management tool for the improvement of wildlife habitat and rangelands for livestock. Historically, Texas landscapes were largely maintained by natural fires. Recognizing that development and urbanization no longer foster the environment for natural processes, prescribed burning can contribute to the continued health of ecosystems. Specifically, prescribed fire can reduce fuel loads that may contribute to wildfires and return nutrients to the soil – promoting a higher quality and amount of forage.

The Texas A&M AgriLife Extension Service has a long history of educating landowners on how to safely and effectively use this practice. The agency’s educational efforts have included leadership in county based programs, prescribed burn associations, regional symposiums, landowner demonstrations, printed publications, “how-to” workshops, and individual technical assistance for landowners with the development of fire plans.

To facilitate Texas A&M AgriLife Extension’s continuing safe and effective role of providing leadership in the education of Texas landowners and managers concerning prescribed fire, the following guidelines are outlined for all Texas A&M AgriLife Extension Service employees.

General Policy Statement

Texas A&M AgriLife Extension Service employees are allowed to:

- Participate in educational prescribed burns (demonstrations) that serve as “hands on” trainings to teach landowners how to safely and effectively use fire as a management tool.
- Participate in test prescribed burns to evaluate new methodologies, uses, and effects of prescribed burning for management purposes. These types of burns would generally be described as applied research projects.
- Participate in prescribed burns with a written fire plan provided by and under the direction of a designated “Burn Boss” to gain experience useful in teaching and educational efforts.
- Serve as a “Burn Boss” and sign off on prescribed burn plans on educational prescribed burns or applied research projects after training requirements and internal authorization has been made as outlined in the ‘Training Requirements’ section below.
- Provide leadership and support to Prescribed Burn Associations.

Note: As stated in the Texas Administrative Code Title 4: Part 13, Chapter 225, Rule 225.1 – A Burn Boss is defined as an “Individual responsible for the direct application of prescribed fire to a burn unit as detailed in a written prescribed burn plan.”

Texas A&M AgriLife Extension’s role in prescribed fire is to educate landowners and managers in the safe and effective use of this tool. As such, Texas A&M AgriLife Extension employees are **not** allowed to:

- “Sign off” on prescribed burn plans and/or conduct prescribed burns for landowners.
- Serve as “Burn Boss” for management burns on private lands, other than the situations described above.
- Participate in any burn if there is not a written fire plan and a designated burn boss.
- Participate in any burn during a burn ban if an exemption has not been granted by the County Commissioners Court.
- Participate in any burn with the intent to mitigate a wildfire.

Training Requirements

A. Burning with a designated “Burn Boss” – no specific training required

No specific training is required to participate in a prescribed burn under the direction of a designated burn boss. Duties might include but are not limited to monitoring weather, serving on fire protection crew, fireline or post-fire monitoring, or to carry and use a torch. There are also no formal training requirements to provide technical assistance (advice) to landowners as they develop management plans that utilize prescribed fire as a tool, or in providing assistance in the development of burn plans. See ‘Guidelines Regarding County Burn Bans’ below.

B. Serving as a “Burn Boss” – formal training required

Formal training is required to 1) sign-off on burn plans for and/or 2) serve as a burn boss on educational or test burns (training workshops, demonstrations, applied research projects, etc.). The Internal Application for Prescribed Burn Authorization (Appendix 1) must be submitted and approved by the ESSM Extension Associate Department Head prior to serving as a burn boss on any burns. Specific training requirements are as follows:

- Minimum of 15 prescribed burns, actual burning experience, not limited to region, with a minimum of 5 burns working directly under a burn boss to plan, conduct, and complete a burn.
- 5 years of experience with Texas A&M AgriLife Extension Service or the equivalent working with prescribed fire.
- The successful completion of a Prescribed Burn School approved by the Prescribed Burn Board (Texas Department of Agriculture; which is used to qualify for a Certified Prescribed Burn Manager) will meet the course requirement for authorization through Texas A&M AgriLife Extension Service. Other courses may be approved by the ESSM Extension Associate Department Head on a case by case basis.
- Every 3 years a Continuing Education Class will be offered by the ESSM Extension Associate Department Head to update Extension approved Burn Bosses on new regulations and technologies. Attendance is required to maintain Burn Boss status.

Current CEA’s and Specialists with previous experience teaching the use of prescribed fire can be “grandfathered” to comply with training requirements at the discretion of the ESSM Extension Associate Department Head.

Guidelines Regarding County Burn Bans

Local Government Code (Code), Section 352.081, gives Counties the authority to regulate outdoor burning, e.g. issue burn bans, during drought or fire hazard conditions. Prescribed burn managers certified by TDA are exempt from county regulation for prescribed burns under Section 352.081(f)(2) of the Code. Counties have the discretion to allow prescribed burning during a burn ban by other individuals with appropriate training and experience through an approved exception to the burn ban on a case-by-case basis. A Prescribed Burn Plan is normally required in the exception approval process. Counties may also consider establishing a category of exception for federal and state agencies and institutions of higher education during the county burn bans.

Optimal conditions for prescribed burning often occur during time periods when burn bans are enacted. Commissioner courts and County Judges vary in their understanding and response to prescribed burning and the request for exemptions. County Commissioner Courts are not only a significant funding partner for county positions with the Texas A&M AgriLife Extension Service, but also a great advocate for Extension. Employees of the Texas A&M AgriLife Extension Service will not participate in any capacity on prescribed burns that are not approved as an “exemption” by the local court during a burn ban. Certified Prescribed Burn Managers who have the authority under state regulations to burn during a burn ban must also gain local court exemption before Extension employees may participate in the burn.

Liability Release

A written release of liability agreement between the Texas A&M AgriLife Extension Service and an individual landowner is not required for educational burns or test burns. If the Texas A&M AgriLife Extension Service employee is participating in other types of burns under a designated “Burn Boss”, no release of liability is required, but a written burn plan is still needed. If deemed necessary, the attached release statement is provided for use (Appendix 2).

All Texas A&M AgriLife Extension Service employees must follow state laws and regulations and any exceptions/exemptions thereof. Employees acting in accordance with all Federal, State and local laws and within the scope of their regular duties, consistent with this policy, accept no greater or less liability than that associated with the performance of any other assigned duty. Any questions concerning liability should be referred to the employees’ immediate supervisor.

Technical Review Committee

David Baltensperger
 Jim Cathey
 Ken Cearley
 Megan Clayton
 Vanessa Corriher
 Marvin Ensor
 Brian Hays
 Mort Kothmann
 Kay Ledbetter
 Roel Lopez
 Robert Lyons
 Dale Rollins
 Charles ‘Butch’ Taylor
 Ron Woolley

Appendix 1

Texas A&M AgriLife Extension Service

Internal Application for Prescribed Burn Authorization

Date:

Name:

Title:

Years in Extension:

For the 3 bullets below, please describe and/or list how you satisfy each requirement. Use as much space as necessary. Submit completed document to your immediate supervisor. They will submit the completed document to the ESSM Extension Associate Department Head.

- Participated in a minimum of 15 prescribed burns, not limited to region, with a minimum of 5 burns working directly under a burn boss to plan, conduct, and complete a burn.
- 5 years of experience with Texas A&M AgriLife Extension Service or equivalent working with prescribed fire.
- Successful completion of a Prescribed Burn School recognized by the Prescribed Burn Board or the equivalent (approved by the ESSM Extension Associate Department Head).

Appendix 2

Release of Liability and Indemnity Agreement between the Texas A&M AgriLife Extension Service and Landowner

Landowner: _____

Address: _____

City, State, Zip: _____

Home Phone: _____ Ranch Phone: _____

Business Phone: _____ Mobile: _____

Fax: _____ Email: _____

In consideration for receiving guidance and assistance from the Texas A&M AgriLife Extension Service with the prescribed burn, Landowner understands and agrees to:

1. Landowner shall be solely responsible for any damage, death, or injury to other persons and property caused by the prescribed burn.
2. Neither Texas A&M AgriLife Extension Service, The Texas A&M University System, the State of Texas, nor its officers, employees, or agents (herein referred to as releasees or indemnitees) assume any liability or damage, death, or injury to other persons or property, including injuries or damage sustained as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of RELEASEES. Landowner understands this waiver does not apply to injuries caused by intentional or grossly negligent conduct.
3. Landowner agrees to indemnify and hold harmless INDEMNITEES from any and all liabilities, claims, demands, injuries (including death), or damages, including court costs and attorney's fees and expenses, which may occur to myself, other participants, and third-persons as a result of my participation in said activity, including injuries sustained as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of INDEMNITEES.
4. Landowner will defend, indemnify and hold harmless the Texas A&M AgriLife Extension Service for the cost of fire suppression by any and all other individuals and organizations, including costs of fire suppression incurred as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of RELEASEES.

SIGNED AND EXECUTED this _____ day of _____, 20 ____ at
_____, Texas

Landowner

Faculty Providing Assistance

Texas A&M AgriLife Extension Service

Address

Telephone