

Texas AgriLife Extension Service Prescribed Burn Guidelines

Prescribed burning is a recognized and valuable tool for forest and rangeland management. The Texas AgriLife Extension Service has a long history of educating landowners on how to safely and effectively use this practice. Our educational efforts have included county based programs, regional symposiums, demonstrations, printed publications, “how-to” workshops, and individual technical assistance for landowners with the development of fire plans.

To facilitate Texas 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 AgriLife Extension Service employees.

General Policy Statement

Texas 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 AgriLife Extension employees are **not** allowed to:

- “Sign off” on prescribed burn plans.
- Conduct prescribed burns as a “service” to landowners.
- Serve as “Fire Boss” for management burns on private lands, other than the situations described below.
- Participate on any burn if there is not a written fire plan.

Texas AgriLife Extension Service employees are allowed to:

- Conduct educational prescribed burns (demonstrations) that serve as “hands on” trainings to teach landowners how to safely and effectively use fire as a management tool.
- Conduct 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.

Training Requirements

No specific training is required to participate in a prescribed burn under the direction of a formal fire boss. Duties might include but are not limited to monitoring weather, serve 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 assistance of the developing actual burn plans.

Formal training is required to serve as a fire boss on educational or test burns (training workshops, demonstration applied research projects, etc.). 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 fire boss to plan, conduct and complete a burn.
- 5 years experience with Texas AgriLife Extension Service or equivalent working with prescribed fire.
- Successful completion of 16 hours of Texas AgriLife Extension Service approved course(s). This training can be “in-house” or from other agencies or groups. The ESSM Extension Associate Department Head will approve those courses which meet minimum qualifications for training.
- 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 AgriLife Extension Service, but also a great advocate for Extension. Employees of the Texas AgriLife Extension Service will not participate in any capacity on prescribed burns that are not approved as an “exception” by the local court during a burn ban.

Liability Release

A written release of liability agreement between the Texas AgriLife Extension Service and an individual landowner is not required for educational burns or test burns. If the Texas AgriLife Extension Service employee is providing assistance only and is not considered the fire boss, no release of liability is required, but a written burn plan is still required for Texas AgriLife Extension Service involvement. If deemed necessary, the attached release statement should be used.

All Texas 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.

Appendix 1

Release of Liability and Indemnity Agreement between the Texas 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 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 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 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 AgriLife Extension Service

Address

Telephone

**Texas AgriLife Extension Service
Internal Application for Prescribed Burn Certification**

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.

1. Participated in a minimum of 15 prescribed burns, not limited to region, with a minimum of 5 burns working directly under a fire boss to plan, conduct and complete a burn.

2. 5 years experience with Texas AgriLife Extension Service or equivalent working with prescribed fire.

3. Successful completion of 16 hours of Texas AgriLife Extension Service approved course(s). this training can be "in-house" or from other agencies or groups.