

- 1 **Legal Aspects**
Of
Prescribed Burning
- 2
- 3 **Prescribed Burning**
Is a
Property Right
 - Section 9-13-271
- 4 **Alabama Fire Laws**
 - Section 9-13-11
 -
 - Felony
 - Arson
- 5
 - Misdemeanors
 - Let Fire Escape
 - Burn without Precautions
 - Burn without Clearing
 - LEAVING A FIRE UNATTENDED
 - Burn without a Permit
 -
- 6
 - Public Nuisance
 - Charged with Suppression Costs
- 7 **Burn Permits**
Purpose of a Permit
AFC Must Issue
When AFC Not Issue
Fire Alert
Drought Emergency
Revoking Permits
- 8
- 9 **Criteria for denying a permit**
 - # of fires in state
 - # of escaped prescribed burns the day before
 - AFC equipment condition
 - Weather/wind speed and relative humidity
- 10
- 11 **Fuel map**
- 12 **Who has authority of deny issuance of a permit**
 - Governor's Burn Ban
 - State Forester
 - Regional Forester (4)
 - County Forester can withdraw permit if conditions on site are not appropriate
- 13 **Burn Permits**
 - By getting a permit, you agree:
 - TO HAVE ADEQUATE TOOLS, EQUIPMENT AND MANPOWER TO STAY WITH AND

CONTROL THE FIRE DURING THE ENTIRE BURNING PERIOD.

- To attend the fire until it is dead out

-

MUST HAVE PERMIT – EVEN ON OWN LAND

14  **Getting a Permit**

15  **Getting a Permit**

- Fire plan Information
 - County, Section, Township, Range
 - In City Limits?
 - Who is Burn Manager? Responsible person
 - Who is Landowner?
 - Number of Acres
 - How long?
 - Purpose?

16  **Getting a Permit**

- Types of Burns Permitted:
 - Fuel reduction
 - Wildlife Habitat Enhancement
 - Hardwood Control
 - Understory Control
 - Piled Debris – Silviculture
 - Agricultural Burning
 - Miscellaneous – construction, land clearing

17  **Getting a Permit**


- Burns NOT Permitted
 - Trash
 - Construction Debris
 - TIRES
 - Oil Products

18  **On line permitting**

- Name & CBM number
- Reduces phone traffic to single dispatcher
- Develop permanent record
- Allows computer summary
- Exceptions: may require a PX call

19  **ADEM Rules**

- Smoke and Air Quality
- Allows Prescribed Burns
- Must follow Guidelines
 - Non-forestry burns
 - Restrictive Use of Open Burning in Summer
 - Baldwin, Mobile, Jefferson, Shelby, Madison
 - Morgan, Jackson, DeKalb, Montgomery, Lawrence Counties

20  **Liability and Negligence**

- NEGLIGENCE
 - The failure to do what a reasonably prudent person would have done under the same or similar circumstances, OR

– Doing something which a reasonably prudent person would not have done under the same or similar circumstances.

21  **Liability Exposure**

- Main areas
 - Escape Fires
 - Smoke that causes Physical Damage
 - Smoke and Highway Accidents

22 

23  **How fickle the wind**

24  **Dealing with Liability**

- Document everything you've done
- If lose control – call for help immediately – 911 for AFC back up and Sheriff for traffic control
- If accident occurs – investigate
 - Collect evidence that you acted reasonably and prudently
 - Other Smoke Sources
 - Take Pictures !!!
 - Weather Data
 - Maps: Topo, Co road
 - Witness
 - Seek expert sdvice

25  **AFC wildfire dection**

- Cellular phone – GPS
- Phone – back of front page in every phone book
- Airplane
- Volunteer fire departments

26  **Liability Protection**

-
- Prescribed Burning Act
-
- State and Federal Employees
 - Within scope of official duties

27  **Insurance**

General liability for foresters including burning

The Outdoor Insurance Group
PO Box 20600
Witchitaw, KS 67208
888-683-7808

28  **Insurance**

Davis Garvin Agent
South Carolina
Lloyd's of London
1-800-845-3163
\$2000
1 million off property
50K on property

29  **INSURANCE**

- Tom Buman, Agren, Inc., 1238 Heires Ave., Carroll, IA 51401
Phone:(712) 792-6248, Fax: (712) 792-6175 Email:tom@agren-inc.com Web:

www.agren-inc.com

30  **Insurance**

■ "C.D. Rigdon has access to a wide range of specialty insurance products. This includes multiple markets for "prescribe fire" insurance. Market availability is the key to offering a competitive quote and coverage terms. We have been successful in placing prescribed fire insurance and look forward to using our in depth market knowledge to place your insurance needs. For more information, please call Chris Rigdon at (630) 696-4043 ext. 1."

31  **INSURANCE**

■ *Christopher D. Rigdon, President, C.D. Rigdon & Associates, Ltd.*
■ *1323 Bond Street, Suite 103, Naperville, IL 60563*
■ *630 696-4043 – office, 773 405-2959 – cell, 630 718-3504 - fax*
■ chrisr@cdrigdon.com www.cdrigdon.com

32  **INSURANCE**

■ The AFC, Kent Hanby, John Stivers, nor anyone else affiliated with this course endorse any insurance agency or company. This information is presented for informational purposes only.

33  **Alabama Prescribed Burn Act**

- Prescribed Burn:
The controlled application of fire to naturally occurring vegetative fuels for ecological, silvicultural, agricultural and wildlife management purposes, under specified environmental conditions and following appropriate precautionary measures which cause the fire to be confined to a pre-determined area and accomplish planned land management objectives.

34  **Certified Prescribed Burn Manager**

- Persons who complete the CBM Course
- Benefit (Section 9-13-273-a)
 - Burner not liable for damage or injury caused by fire or smoke
 - UNLESS Negligent
- Voluntary
 - Not have to be certified
 - But then not protected

35  **A Protected Prescribed Burn**

- At least ONE Certified Burn Manager
- Written and Notarized (Witnessed) Plan
 - To prove it was written before the burn
- AFC Burn Permit
- Follow all State Laws and Rules

36  **To Become Certified**

- Training – this Course
- Fill out Application - \$50
- AFC Rules for AFC personnel
 - Training plus 2 year and 5 burns/500 acres
- Reciprocal Agreements
 - Mississippi, Florida, Georgia
- Recertification every 5 years

37 **AFC Burn Policies**

- Burn where vendors will not
- Burn is part of a forest management plan
- Must have Prescribed Burn Plan
- Must have Smoke Management Plan
- Must have Certified Burn Manager
- Limit: 160 acres/landowner/year
- Contract and Invoice
- Firelanes MUST follow BMPS

38 **AFC Policies**

- Prescribed Burn Rates

<u>ZONE</u>	<u>Understory</u>	<u>Site Prep</u>
- North ALA	\$13.50/ac	\$14.50
- South ALA	\$ 8.50/ac	\$10.00

Minimum \$250

Plus Firelane Construction

39 **QUESTIONS?**

40 **A burn permit is not a license to burn!**

The burn manager must make the decision to burn or not burn and assumes responsibility.

41 **AFC Mission**

- Wildfire suppression
- Administer wildland fire including permitting prescribed burns
- Pest detection
- Landowner assistance

42 **Most important elements of wildfire suppression**

- Communications
- Size up of fire before attack
- Safety – attack flanks and rear to steer into natural barriers
- Do not attack the head of the fire under extreme conditions

43 **RETURN**