

\_\_\_\_\_ AGENCY/TRIBE



U.S. Department of Agriculture, Forest Service

State Forestry Department

## BURN PERMIT SYSTEM

Adopted: \_\_\_\_/\_\_\_\_/\_\_\_\_

# General Burn Permit System Policies

The \_\_\_\_\_ Agency/Tribe has adopted the following burn permit system.

## **Where is a burn permit needed?**

A Burn Permit is needed on lands held in Trust or Restricted Status by the United States of America and under the jurisdiction of the Wewoka Agency.

## **Is a Burn Permit needed for a prescribed burn or broadcast burn?**

The \_\_\_\_\_ Agency/Tribe recognizes that prescribed burning is an effective land management tool that can help landowners accomplish a variety of objectives. There are also risks and liabilities associated with burning so it must be used with appropriate caution. DOI's BIA policy for the use of prescribed fire as a management tool can be found in the Department of the Interior Manual [620 DM 1.4], Bureau of Indian Affairs Policy Manual [90 IAM 1], the BIA Fuels Management Handbook [90 IAM 1.4C(2)] and the September 2006 Interagency Prescribed Fire Planning and Implementation Procedures Reference Guide.

These policies require that all use of fire to accomplish management objectives be conducted under an approved, written burn plan and implemented by a qualified burn boss. No permit is required for burning conducted under a prescribed fire plan since the approved, prescribed fire plan provides the legal authority to burn.

## **What types of fires require a permit?**

### *Types of Fires that may Require a Permit*

**Domestic Debris Burning** – Fires set for the purpose of burning limbs, trees, leaves and grass in the immediate vicinity of a dwelling, not to exceed 200 ft. from the dwelling require a permit.

**Recreational Fires** – Fires set for recreational purposes, such as campfires, cooking and warming fires do not require a permit. Exceptions to this are bonfires. This blanket exemption may be suspended by the Regional Director during periods of extreme fire danger requiring a ban on burning.

**Bonfires** – Fires set for recreational purposes (excluding those set for cultural or ceremonial purposes) that are larger than 4 ft in diameter are considered bonfires and require a permit.

**Cultural and Ceremonial Fires** – Fires set for cultural or ceremonial purposes do not require a permit. This blanket exemption may be suspended by the Regional Director during periods of extreme fire danger requiring a ban on burning.

**Who may obtain a Burn Permit?**

Open burning permission is only available to the landowner and/or the Landowner's designee. Lessees may also be permitted to burn materials covered under this process.

**How can a Burn Permit be Obtained?**

An individual or organization requesting to conduct an open burn must make application for permission to burn at the \_\_\_\_\_ Agency/TribeOffice in \_\_\_\_\_. The initial application for a burn permit must be made in person and provide the appropriate identification and documentation establishing their authority to burn on the property. Future requests for open burning may be requested by telephone at (XXX) XXX-XXXX. The individual requesting permission for open burning must also provide information pertaining to the location, size and materials to be burned.

**No permit may be issued for burning of household waste, automobile tires or any other materials posing a threat to public safety and health will be allowed at any time.**

The \_\_\_\_\_ Agency/Tribe and local Rural Fire Department must be contacted before each burning conducted under the permit. This permit system applies to ALL Trust and restricted title lands under this jurisdiction regardless if leased or not. The Landowner/lessee may designate a third party to conduct the burn but this does not relieve landowner/lessee of the responsibilities and liabilities associated with the burn.

## **What are the basic requirements for a burn permit?**

**Safety Considerations:** Landowner/lessee or designee's responsibilities related to safety are: (1) Identify sensitive places around and downwind of the area you plan to burn and manage your smoke to avoid causing problems downwind from the burn. Errant smoke can impact your neighbors and local communities, close airports or roadways and create significant safety hazards. (2) Construct containment lines or a safety zone around the area to be burned to separate the materials being burned from other ignitable fuels. (4) Provide an adequate amount of equipment and personnel in order to manage the fire and handle emergencies. (5) Observe and monitor the fire until it is out.

**Notification Requirements:** The person responsible for conducting the burn must notify the fire department responsible for responding to the property where the burn is located and the \_\_\_\_\_ Agency/Tribe at least 30 minutes prior to conducting the burn.

**Weather Considerations:** It is the landowner/lessee or designee's responsibility to obtain a weather forecast from a reliable source, such as the National Weather Service, for the 36 hour period beginning with ignition. This forecast must include, at a minimum, predicted wind speed and direction, temperature, relative humidity, time of next major wind shift and stability of the atmosphere. (Available from the National Weather Service on the Internet at: [http://\\_\\_\\_\\_\\_](http://_____))

### ***No burning may be authorized under this permit system when:***

- Sustained winds measured at 20 ft are forecast above 15 mph or gusts of over 5 mph above the sustained winds are forecast.
- When a wind shift or frontal passage is forecast within 12 hours of ignition.
- Relative humidity is forecast below 20%
- Air temperature is forecast over 100°F
- A fire weather watch, Red Flag Warning or Burning Ban has been issued for the location of the burn.

**Equipment/Crew Needs:** Landowner/Lessee or designee has the responsibility to provide an adequate amount of people and equipment to maintain control of the fire once it is set.

## **How may this permit be revoked?**

**Revocation:** The \_\_\_\_\_ Agency/Tribe reserves the right to revoke this permit at any time based upon any of the following:

- Failure to follow the stipulated conditions of the permit.
- An unforeseen change in the weather conditions.
- Excessive wildfire occurrence in the vicinity of the burn.
- Complaints of hazardous smoke or nuisance smoke created by the burn.

**Indemnification:** The Landowner /Lessee or designee shall defend, indemnify and hold harmless the Department of Interior, Bureau of Indian Affairs and \_\_\_\_\_ Agency/Tribe, its agents and employees from and against all claims, damages, losses and expenses relating to, arising out of, resulting from, or alleged to have resulted out of any open burning activity conducted pursuant to this Burn Permit.

**Permit Violation Procedure:**

1. Person conducting the burn will receive a verbal warning that includes the penalty for a second offense, the warning must be documented for further reference.
2. Second Offense: the person conducting the burn will receive a written warning advising them of the penalties for any additional violations and be billed for all suppression costs.
3. Beyond the second offense: law enforcement will be notified of possible CFR, Tribal Code or US Code violations and the person conducting the burn will be billed for all suppression costs.

Approved By: \_\_\_\_\_, \_\_\_\_\_  
Title Date

# BURN PERMIT APPLICATION

TRACT LOCATION \_\_\_\_\_

Name: _____	Telephone: _____
Address: _____	County: _____
City, State, Zip Code: _____	
Ranch Name (if any): _____	

Description of area where burn will occur: _____
Approximate size of material to be burned: _____
Written description of location: _____
_____
Projected time frame: _____
Type of Burn:
<input type="checkbox"/> Domestic Yard Debris
<input type="checkbox"/> Bonfire
<input type="checkbox"/> Storm Debris

<b>Contact information:</b> _____	
_____	
<b>Rural Fire Department Name</b>	<b>Location</b>
Phone No.	
_____	_____
_____	_____
<b>Adjoining landowners:</b> _____	
_____	
_____	



**BUREAU of INDIAN AFFAIRS**  
 \_\_\_\_\_ Agency/Tribe  
**BURN PERMIT**



The undersigned (permittee) is authorized to burn \_\_\_\_\_ on land located at the following legal description: \_\_\_\_\_ QTRS; \_\_\_\_\_ SEC.; \_\_\_\_\_ TWP; \_\_\_\_\_ RNG. (BIA Tract Ref. \_\_\_\_\_.)

Permittee acknowledges and understands that burn operations may result in uncontrollable or escaped wildfire situations, due to circumstances beyond the control of the Permittee. Regardless of the circumstances, Permittee accepts total responsibility and associated liability for any and all resulting escaped wildfire situations that may occur under the terms of this permit.

Permittee hereby waives on behalf of Permittee, its officers, employees, agents or any other persons permitted on the property by the Permittee, all claims, actions and demands or citations for loss, damages or injury against Indian landowner (s) and the United States, their agencies, political subdivisions, officers, agents or employees from liability for all claims arising from Permittee's occupancy and burning actions on the property, together with all cost and expenses arising from or in connection with this permit. Permittee, its officers, employees, agents or any other person permitted on the property by Permittee, further agree to indemnify the Indian landowners and the United States for any loss, liability, claims or damages resulting from the burning and associated activities under the terms of this permit.

This permit is valid effective from \_\_\_/\_\_\_/\_\_\_, through 2400 hours \_\_\_/\_\_\_/\_\_\_ . The Permittee agrees to comply with the following standards when burning under this permit.

**Standards:**

1. No burning is permitted when:

- Steady winds at eye level exceed \_\_\_\_\_ mph.
- Wind gusts exceed \_\_\_\_\_ mph.
- Minimum relative humidity is forecast below \_\_\_\_\_ %
- Temperatures are forecast above 80 ° F
- Ventilation Rate is below 2500 m<sup>2</sup>/s or above 12000 m<sup>2</sup>/s

Fire danger is "high" or higher or when a "Fire Weather Watch", "Red Flag Warning" or Burning Ban is in effect for the area.

Weather forecasts must be obtained from an official source of weather information. The official source for weather information in this area is the \_\_\_\_\_ office of the National Weather Service. The \_\_\_\_\_ Office internet page for fire weather is:

http://\_\_\_\_\_

A copy of this forecast must be printed and carried on person while burning.

- 2. This permit is only valid for the burning of vegetative fuels such as grass, crop residues, brush and forest. No burning of household trash, hazardous wastes or construction debris is authorized under this permit.
- 3. Adequate personnel, tools, equipment and water must be available to manage and contain the fire under the anticipated conditions (Forecasted weather). You must establish adequate control lines prior to ignition and watch over the fire until it is extinguished.
- 4. You must notify the BIA office at \_\_\_\_\_ Phone # \_\_\_\_\_ each time you burn under this permit. If unable to reach the BIA, you must notify BIA Law Enforcement or Tribal Law Enforcement at \_\_\_\_\_ with the appropriate information.

Remember a few simple precautions will help protect your property, family and neighbors from needless loss.

\_\_\_\_\_  
 Authorized BIA Employee

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Permit #

\_\_\_\_\_  
 Permittee

\_\_\_\_\_  
 Date