

## Policy and Procedure 4-1 Prescribed Burning

<b>Issued By:</b>	Robert W. Farrell, State Forester
<b>Effective Date:</b>	May 4, 2021
<b>Codes/Mandates:</b>	Code of Virginia: <a href="#">§10.1-1150.1 through 10.1-1150.6</a> Middle Atlantic Interstate Forest Fire Protection Compact
<b>References:</b>	A Guide to Prescribed Fire in Virginia Task Book for Basic Prescribed Burner
<b>Forms:</b>	Form 3.1 Request for Billing Form 4.7 Application for Exemption To The 4pm Burning Law Section <a href="#">10.1-1142B</a> Form 4.8 Prescribed Burning Log Form 4.9 Prescribed Burn Plan Form 4.10 Prescribed Burning Services Agreement

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### PURPOSE

To outline how the Department of Forestry will use prescribed fire as a management practice, improve wildlife habitat, and develop private enterprise to provide these services. To establish requirements and guidelines for VDOF to provide prescribed burn services to landowners. In Virginia, one does not need to be a certified prescribed burn manager to conduct a burn, however, to be “protected” under Virginia Code [§10.1-1150.1 through 10.1-1150.5](#), the person managing the prescribed burn must be a Virginia certified prescribed burn manager.

## POLICY

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It shall be the policy of VDOF to assist landowners to plan adequately for and carry out prescribed burns as a resource management practice.

## DEFINITIONS

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“Agency” and “VDOF” means the Virginia Department of Forestry.

“Commonwealth” means the Commonwealth of Virginia.

## PROCEDURES

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### Types of Prescribed Burning Services

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VDOF offers the following types of prescribed burning assistance:

- ◆ **VDOF Prescribed Burning Full Service** – This is a turn-key prescribed burning service offered by the agency and includes two types: site prep burns and other burn types.
  - Site-prep burns billed at current full-service, site-prep per acre rate
  - Other burn types billed at the current full-service other burn type per acre rate
  - All related burning costs are included in the per acre cost
- ◆ **VDOF Prescribed Burning Assistance** – VDOF provides personnel to assist a landowner or their agent with additional manpower necessary to complete a prescribed burning project.
  - Vehicle mileage billed at current vehicle per mile rate
  - Personnel time billed at current personnel per hour rate
- ◆ **VDOF Prescribed Burning Stand-By** – VDOF provides one tractor-plow unit and one operator to remain on stand-by as a suppression resource in support of the landowner or their agent’s prescribed burning activity.
  - Transport mileage billed at current transport per mile rate
  - Tractor billed at current tractor standby per hour rate
  - Personnel time billed at current personnel per hour rate
- ◆ **Line Construction** – This is a separate service that may be provided and is not included in any of the prescribed burning services. VDOF recommends fire lines be constructed by contractors wherever possible.
  - Transport mileage billed at current transport per mile rate
  - Tractor use billed at current tractor per hour rate
    - Any existing tractor expenses for standby services can be calculated into the tractor minimum charge when line construction is needed.
  - Personnel time billed at current personnel per hour rate
- ◆ **Cooperative Prescribed Burning Assistance** – The VDOF may provide cooperative prescribed burning services at no-cost to other state agencies and certain entities designated by the regional forester. This assistance will only be provided in a reciprocal fashion in which the level of services provided by the VDOF to the cooperators will be matched equally in return by the cooperators assistance back to the VDOF. Under this type of service, the appropriate senior area forester will meet with cooperator(s) desiring this assistance on an annual basis, in advance of any services, to identify the project areas where cooperative VDOF assistance will be provided and to identify the VDOF project areas where the cooperator will provide an equal level of no-cost service back to the VDOF. The expectation is that under cooperative prescribed burning assistance, neither parties project areas will be at a higher priority for completion.
  - Whenever the VDOF participates on a cooperative prescribed fire, an experienced VDOF prescribed burn manager will be on scene and will review the burn plan prior to firing operations. That person reserves the right to direct operations and/or remove VDOF personnel altogether, if they feel safety or fire control might be compromised.

- ◆ **VDOF Community Assistance Burning** – VDOF provides either Prescribed Burning Full-Service, or Prescribed Burning Stand-by service, on private or state lands adjacent to National Forest lands. There are no VDOF service expenses for the included landowner as VDOF service expenses will be recouped through agency Community Assistance grant funding.
  - The private or state lands included under this service must share a common property boundary with National Forest lands in the Commonwealth.
  - Approval to use VDOF Community Assistance grant funding must be obtained in writing (email is acceptable), at least thirty days prior to the burn taking place, from the VDOF Director of Fire and Emergency Response, to ensure funding availability.
  - In submitting a request for funding approval, the following information should be included:
    - County(ies) of the burn.
    - Total number of acres to be burned on the project.
    - Number of acres to be burned on private or state lands and covered with Community Assistance funding.
    - Landowner names for all private land areas to be included.
    - Name of the VDOF Certified Prescribed Burn Manager who will be responsible for the burn on private and/or state lands.
    - A tract map for the private property included should be included with the request for approval.
  - Form 4.9 Prescribed Burning Management Plan must be completed and followed for the private and/or state lands included under this service.
  - Form 4.10 Service Agreement must be executed with the involved landowner(s). The Service Agreement should be completed as a “Prescribed Burning Full Service”.
    - For Section 3 (Fee Disclosure and Cost Estimate), an “X” should be drawn through this section and initialed by a local full-time VDOF employee.
    - The following note should be hand written in at the very bottom of this section (bottom of page 1 of Form 4.10 Services Agreement).
    - “There will be no cost to the landowner for the prescribed burn. VDOF expenses will be covered by USFS Community Assistance grant funding.”
  - All other VDOF policy and procedures remain in effect.
  - Upon completion of an approved Community Assistance grant funded prescribed burn, a Form 3.1 Request for Billing should be completed and forwarded directly to the VDOF’s Director of Fire and Emergency Response.
    - At the top of the form, the following should be clearly hand written in bold: **“No Expense should be collected from the landowner. All VDOF expenses are covered through Community Assistance grant Funding.”**
  - The VDOF’s Director of Fire and Emergency Response will work with the agencies Finance Office to recoup the agency expenses for the completed project, through the utilization of Community Assistance grant funding.

## Prescribed Burning Limitations

The Department of Forestry will offer prescribed burning assistance within the following limitations:

- ◆ Only VDOF personnel with current prescribed burn manager certification may manage VDOF prescribed burn services for landowners.
- ◆ Prescribed burning services, assistance or standby will be carried out only after the signed Form 4.10 Prescribed Burning Services Agreement has been properly executed.
- ◆ VDOF will not burn bulldozed-piled debris as a site preparation measure.
- ◆ The Form 4.9 Prescribed Burn Management Plan will be completed and followed on any agency prescribed burn.

- ◆ As part of the prescribed burn management, a written smoke management plan will be developed before each prescribed burn according to the information found in “A Guide to Prescribed Fire in Virginia.”
- ◆ For agency wildfire response and law enforcement needs, at least one VDOF full-time employee and tractor-plow unit (not assigned to a prescribed burning operation) should be readily available at all times in any work area conducting or assisting with a prescribed burn project or prescribed burning stand-by.

## Prescribed Burning Assistance or Stand-by Service Limitations

When VDOF is providing prescribed burning assistance or prescribed burning standby services:

- ◆ The individual or organization managing the prescribed burn remains legally responsible for that burn and the related effects.
- ◆ The individual or organization managing the prescribed burn must be a Virginia Certified Prescribed Burn Manager.
- ◆ A Form 4.10 Prescribed Burning Services Agreement will be completed and the landowner will be billed for all related agency expenses at the established rates.
- ◆ The VDOF maintains the right to suspend or cancel burning operations, or implement fire suppression actions, due to fire behavior or other conditions.
- ◆ The VDOF maintains the right to leave a burn or to replace the committed resources in the interest of supporting local wildfire response and/or law enforcement related concerns.
- ◆ If suppression-related assistance is necessary, the responsible party remains liable to reimburse the VDOF for these additional expenses and remains subject to all applicable laws and regulations.

## Who Conducts Prescribed Burns

The following must be completed before a VDOF employee can supervise a prescribed burning operation on behalf of the agency.

- ◆ Successful completion of S-130/190 and I-100 (basic fire suppression, basic fire behavior, basic ICS).
- ◆ Successful completion of the VDOF Basic Prescribed Burner Task Book.
- ◆ Successful completion of VDOF's Certified Prescribed Burn Manager certification.

## VDOF Parameters for Prescribed Burning Operations

These are Virginia Department of Forestry guidelines and should be adhered to for all burning operations.

### Growing Season

- ◆ **Temperature** – Use Caution when temperatures exceed 90 degrees F.
- ◆ **Relative Humidity** – Minimum 25 percent, Maximum 65 percent
- ◆ **Wind** – Not to exceed 15 mph at 20 feet
- ◆ **Cumulative Severity Index (CSI)** – Not to exceed 500
- ◆ **Ventilation Factor** – Needs to exceed 14,999 (mixing height in feet X transport wind speed miles/hour)
- ◆ No burning will be conducted during an air pollution warning, alert or episode in that geographic area (i.e., Orange or Red Ozone alert). All air pollution regulations must be observed.
- ◆ No burning will be conducted when a red flag alert or warning has been issued.
- ◆ Prescribed burning projects and stand-by assistance will not be provided during periods of high wildfire potential or occurrence or when at least one extended attack fire is being actively managed within the region.

## Dormant Season

- ◆ **Temperature** – Use caution when temperatures exceed 60 degrees F.
- ◆ **Relative Humidity** – Minimum 30 percent, Maximum 55 percent
- ◆ **Wind** – Not to exceed 15 mph at 20 feet.
- ◆ **Cumulative Severity Index (CSI)** – Not to exceed 300
- ◆ **Ventilation Factor** – Needs to exceed 14,999 (mixing height in feet X transport wind speed miles/hour)
- ◆ No burning will be conducted during an air pollution warning, alert or episode in that geographic area (i.e., Orange or Red Ozone alert). All air pollution regulations must be observed.
- ◆ No burning will be conducted when a red flag alert or warning has been issued.
- ◆ Prescribed burning projects and stand-by assistance will not be provided during periods of high wildfire potential or occurrence or when at least one extended attack fire is being actively managed within the region.

## Prior to Prescribed Burning Services

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### Prescribed Burning Services Agreement

A Form 4.10 Prescribed Burning Services Agreement will be completed prior to the start of any VDOF prescribed burning services.

### Prescribed Burn Plan

Any prescribed burn activity conducted by or associated with on-site involvement by VDOF personnel will have a plan developed prior to the burn by a Certified Prescribed Burn Manager. A Certified Prescribed Burn Manager will be supervising and implementing the burn plan on the day of the burn for any burning operations in which there is VDOF involvement.

For all prescribed burning services, the completion of Form 4.9 Prescribed Burn Management Plan or equivalent is mandatory.

### Regional Log

When a prescribed burn is scheduled, the Certified Prescribed Burn Manager in charge of the burn will contact the Regional Office to notify them of the planned burn. The Regional Office will maintain a log of prescribed burning in their Region using the Form 4.8 Prescribed Burning Log.

### Prescribed Burning Services Billing

Upon completion of any prescribed burning service, a Form 3.1 Request for Billing will be completed and forwarded to the Finance Office for processing.

## Exemption to 4PM Burning Law for Prescribed Burning

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### Deadline

Application for exemption must be received by the Virginia Department of Forestry prior to February 1st of the year an exemption is desired.

### Requirements

Certified Prescribed Burn Managers may submit a Form 4.7 Application for Exemption to the 4pm Burning Law Section [10.1-1142\(B\)](#) to request an exemption to the 4PM Burning Law as allowed by the Code of Virginia Section [10.1-1142\(C\)](#). As indicated on the Form 4.7, a burn plan and a map must accompany the request. The form must be completed in full and required documents submitted. A separate application must be completed and submitted for each burn project. The

application may be submitted at any time from May 1st through the following February 1st. The applicant will be notified once a decision is made regarding the exemption.

## Conditions

The exemption will be allowed throughout the 4PM Burning Law period (February 15th through April 30th) and can be revoked at any time should conditions warrant.

It is critical that all requirements of the certified prescribed burn manager be strictly followed.

Non-VDOF entities receiving 4PM exemption approvals must remain in compliance with the following weather parameter limitations, as a condition of their burn day approval by the regional forester or their designee. The daily fire weather forecast issued by the National Weather Service for the location of the approved burn will be used for this determination.

- ◆ **Relative humidity** – greater than or equal to 25 percent
- ◆ **20-foot wind speed** – less than or equal to 18 miles per hour
- ◆ **10-hour fuel moisture** – greater than or equal to 7 percent

**Exception:** When the Cumulative Severity Index, as measured at the closest VDOF measurement location to the burn site, is less than 100, the relative humidity approval threshold may be reduced to : *greater than or equal to 20 percent.*

## AUTHORITY

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This policy and procedure is issued by the Virginia state forester.

## INTERPRETATION

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The director of fire and emergency response and deputy state forester are responsible for the interpretation of this policy and procedure.

## APPROVAL

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I certify that this policy and procedure is approved and ready for publication.

John Miller

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Director of Fire Emergency and Response Name (Print)

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Director of Fire Emergency and Response Signature

Ed Zimmer

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Deputy State Foresters Name (Print)

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Deputy State Foresters Signature