BUREAU OF INDIAN AFFAIRS
OKMULGEE AGENCY
BRANCH OF WILDLAND FIRE MANAGEMENT

OPEN BURNING NOTIFICATION PLAN AND PERMIT SYSTEM

General Burn Permit System Policies

The Bureau of Indian Affairs – Okmulgee Agency has adopted this burn permit system.

Where is a Bureau of Indian Affairs burn permit needed?

A Bureau of Indian Affairs (BIA) Burn Permit is needed on lands held in Trust or Restricted Status by the United States of America and under the jurisdiction of the Okmulgee Agency.

Is a BIA Burn Permit needed for a prescribed burn or broadcast burn?

The Bureau of Indian Affairs – Branch of Fire Management 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. 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 BIA 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 BIA Burn Permit be Obtained?

An individual or organization requesting to conduct an open burn must make application for permission to burn at the Okmulgee Agency Office in Okmulgee. 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. 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 Fire Management Office of the Okmulgee Agency must be contacted before each burning conducted under the permit. This permit system applies to ALL 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.
(3) Provide an adequate amount of equipment and personnel in order to manage the fire and handle emergencies.
(4) To 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 Okmulgee Agency - Fire Management Office at least 30 minutes prior to conducting the burn. (918) 752-7397

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://www.srh.noaa.gov/tsa/fireweather.html**)

No burning may be authorized under this permit system when:

- Sustained winds measured at 20 ft are forecast above 15 mph
- 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 30%
- Air temperature is forecast over 80°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 Okmulgee Agency 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.

What are the penalties for failing to obtain or violating this permit

The 25 CFR provides the following possible penalties that may apply to persons failing to obtain a permit or burning in violation of a permit:

> **TITLE 25: Indians**
> PART 11-LAW AND ORDER ON INDIAN RESERVATIONS
> Subpart D-Criminal Offenses
>
> **§11.409 Reckless burning or exploding.**
>
> (a) Places another person in danger of death or bodily injury; or
> (b) Places a building or occupied structure of another in danger or damage or destruction
>
> OR
>
> **§11.410 Criminal mischief.**
>
> (a) A person is guilty of criminal mischief if he or she
>
> (1) Damages tangible property of another purposely, recklessly, or by negligence in the employment of fire, explosives or other dangerous means; or
>
> (2) Purposely or recklessly tampers with tangible property of another so as to endanger person or property; or
>
> (3) Purposely or recklessly causes another to suffer pecuniary loss by deception or threat.
>
> (b) Criminal mischief is a misdemeanor if the actor purposely causes pecuniary loss in excess of $100, or a petty misdemeanor if he or she purposely or recklessly causes pecuniary loss in excess of $25. Otherwise, criminal mischief is a violation.

As a general practice:

First violations receive a verbal warning
Second violations receive a written warning
Third and subsequent violations are referred to law enforcement.

Exceptions to this general practice may be made at the discretion of the Superintendent if extenuation circumstances or gross negligence are determined.

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- 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, 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.

Approved By: Kellyn Dano, Superintendent 7-22-08
Date