

## Public Comments & DNR Response Prescribed Burning Guidance

The Department received comments from 21 individuals. Thank you to all for taking the time to review and comment on the proposed guidance. The public comments are summarized or abbreviated below with the associated response.

1. The vast majority of the comments received regarding the proposed Prescribed Burn Guidance focused on Attachment B – Guidance for the Implementation of the Effects of Failure to Extinguish Law on WI DNR Prescribed Burn Activity. Comments indicated this guidance would increase cost, require additional personnel, reduce efficiency, and limit the amount of prescribed burning the Department could conduct resulting in not meeting management goals to maintain fire dependent habitats. Public comments also indicated the guidance would negatively impact private landowners who conduct prescribed burns on their property, conservation organizations that conduct prescribed burning on their land, and businesses that are hired to conduct prescribed burns.

To address these concerns the Department modified Section V of Attachment C as follows:

### **Section V - Discussion - What does this mean for Prescribed Burns?**

Once ignition operations on a prescribed burn have been completed, prescribed burners must make a good faith effort to locate and suppress any materials that are holding heat and/or smoking and threatening the burn unit's containment lines. Those attempts should be made with sufficient suppression resources to conduct mop up efforts and shall include patrolling for smokes after mop up has been completed. Once patrols can no longer find hot and/or smoking that threaten to the containment lines, the burn can be declared "controlled".

In the event that the entire prescribed burn unit is not, or cannot be aggressively mopped up and woody materials are left to burn, **the prescribed burn cannot be left unattended**. The prescribed burn boss should make arrangements to have a WI DNR presence at the prescribed burn until those mop-up efforts can be accomplished **or the fire burns itself out**. Woodland prescribed burns with the elimination of coarse woody debris as an objective will require a person or persons to monitor that prescribed burn until the objective is being met. The number of people to monitor the fire will be determined by the size and complexity of the burn unit. This may be as few as one person with cell phone/radio communications for the smaller, less complex burns. Larger, more complex burns may require multiple people. Once the person or people monitoring the fire can no longer find hot and/or smoking materials throughout the burn unit, the unit may be left completely unattended.

Returning to a burn the next morning to verify that there is no longer any hot and/or smoking materials is the final step before declaring a burn "out" (i.e. – completely "extinguished"). These mop up efforts and patrol activities are normal and customary

practices in the wildland fire suppression activities by WI DNR Forestry Division, and are further detailed in WDNR handbook (see page 40-4 of the "Prescribed Burn Handbook," HB 4360.5, and page 5110-10 of the "Fire Management Handbook," HB 43251.511).

By standardizing the mop up, patrol and checking of prescribed fires by all WI DNR personnel, a best management practice can be institutionalized. These best management practices will set the expectations for prescribed burn activities across the Department, and eliminate procedures in various areas of the state and over different Division personnel.

2. Several public comments related to a concern that the prescribed burn practices that they use on their land could be in violation of state law and risk punishment.

DNR Response: If private landowners obtain any necessary burning permits to conduct a prescribed burn on their property and have someone watching the burn area which could be done from their house (if it's close enough) they would not be violating state statute. They can monitor the fire themselves. If they burn and the fire gets away from them, as long as they did everything in their power to keep that fire within the burn unit, they will not be charged with violating Chapter 26.14(6). If they leave their fire unattended, and it does not get away, they *may* be cited for Failure to Extinguish, which is a civil forfeiture similar to a traffic ticket. If their fire does get away they would be liable for all suppression costs and up to double damages through civil process, Chapter 26.14(9)(b) and Chapter 26.21(1) & (2).

3. Several public comments referred to the requirement for burn units up to 100 acres in size to be staff by a minimum of 7 qualified crew members. The general comment indicated that small burns are safely conducted by fewer than 7 crew members and that this increases cost and reduces efficiency.

DNR Response: This requirement pertains to prescribed burns on the Mississippi River Units or other areas in the state consisting of steep terrain. The Memo has been clarified by adding the words "West Central region Blufflands" after each heading in that particular section.