

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRY

PART 1565
ILLINOIS PRESCRIBED BURNING ACT

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1565.EXHIBIT A Certified Prescribed Burn Manager Application (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Prescribed Burning Act [525 ILCS 37].

SOURCE: Adopted at 33 Ill. Reg. 15724, effective November 2, 2009; amended at 36 Ill. Reg. 14415, effective September 5, 2012; amended at 42 Ill. Reg. 13241, effective June 22, 2018.

Section 1565.5 Purpose

The purpose of this Part is to provide procedures for prescribed burning, including, but not limited to, obtaining a prescribed burn manager certification, revocation of prescribed burn manager certification and preparing a prescribed burn prescription pursuant to the requirements of the Illinois Prescribed Burning Act [525 ILCS 37].

Section 1565.10 Definitions

"Act" means the Illinois Prescribed Burning Act [525 ILCS 37].

"Apprentice Prescribed Burn Manager" is a person at a prescribed burn that has successfully completed the training classes described under Section 1565.20(b)(1), participated in prescribed burns as described in Section 1565.20(b)(2), has been accepted by a certified prescribed burn manager as the apprentice prescribed burn manager for the prescribed burn, and is assuming the functions of a certified prescribed burn manager during the prescribed burn under the direct supervision of a certified prescribed burn manager as a training requirement pursuant to Section 1565.20(b)(3).

"Burn Personnel" means any paid person or volunteer involved in conducting prescribed burning under the Act.

"Burn Prescription" means a written plan for conducting a prescribed burn.

"Central Dispatching Agency" is an agency that provides dispatching services for a number of emergency agencies (fire, law enforcement or ambulance) in a defined geographic area.

"Certificate" is a written certificate and number issued by the Department identifying a person as a certified prescribed burn manager and is considered a license subject to revocation proceedings described in Subpart C of 17 Ill. Adm. Code 2530 (Revocation Procedures for Conservation Offenses).

"Certified Prescribed Burn Manager" is an individual who conducts the activities described in Section 1565.20(a), and successfully completes an approved training program and receives proper certification as described in Section 1565.20(b) through (f).

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Escaped Fire" means any fire that goes beyond the area described in the burn prescription and requires outside resources to contain or that burns onto adjoining landowner's land not included in the burn prescription.

"Incident Commander", "Incident Command Authority" and "Unified Command" are terms defined by the National Inter-agency Incident Management System (NIIMS) and are used in this Part to describe the person or persons directly responsible for control and suppression of a prescribed burn or an escaped fire resulting from a prescribed burn.

"Landowner" includes the owner, owning agency or other legal entity owning a parcel of land where a prescribed burn is executed or is proposed to be executed, their designated agent or land manager.

"NIIMS" means the National Inter-agency Incident Management System administered by the Federal Emergency Management Agency (FEMA).

"Prescribed Burn Manager Certification Board" or "Board" is a Board of six representatives whose job responsibilities include natural areas stewardship, wildlife habitat management or forest management and who have experience with prescribed burn management or incident command. The Board shall be made up of four representatives designated by the Director (including one representative who is not employed by the State of Illinois), one representative designated by the Illinois Nature Preserves Commission and one representative designated by the Office of the State Fire Marshal.

"Prescribed Burn Report" is the written report and evaluation of a prescribed burn, including the information required in Section 1565.60(c) that is prepared and signed by the certified prescribed burn manager after a prescribed burn is completed.

"Prescribed Burning" is the planned application of fire to naturally occurring vegetative fuels, under specified environmental conditions and following appropriate precautionary measures, that causes the fire to be confined to a predetermined area and accomplishes the planned land management objectives.

(Source: Amended at 36 Ill. Reg. 14415, effective September 5, 2012)

Section 1565.20 Certified Prescribed Burn Manager

- a) A certified prescribed burn manager performs the following activities:
 - 1) writes and/or approves burn prescriptions as described in Section 1565.30;
 - 2) serves as the direct supervisor of the burn personnel at the scene of a prescribed burn and is responsible for implementing a burn prescription as described in Section 1565.40; and
 - 3) supervises and trains an apprentice prescribed burn manager as described in Section 1565.20(c).
- b) To become a certified prescribed burn manager, a person must complete the following requirements and have a valid Illinois Certified Prescribed Burn Manager Certificate issued by the Department pursuant to Section 1565.70.
 - 1) Successfully complete:
 - A) the following National Wildfire Coordinating Group Wildland Fire Training Courses or equivalents:
 - i) Basic Incident Command System (I-100);
 - ii) Fire Fighter Training (S-130); and
 - iii) Wildland Fire Behavior (S-190); or
 - B) a specialized Illinois Prescribed Burning Manager Course that incorporates pertinent information in the courses listed in subsection (b)(1)(A), along with information on prescribed burning in Illinois that has been approved by the Board;

- 2) Participate in five prescribed burns that will be documented on a form provided by the Department and known as the Certified Prescribed Burn Manager Application;
- 3) Successfully complete two prescribed burns as an apprentice prescribed burn manager under the supervision of a certified prescribed burn manager;
- 4) Submit the following to the Illinois Department of Natural Resources, Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271:
 - A) A Certified Prescribed Burn Manager Application (the "Application" described in (b)(2) above);
 - B) A \$50 fee (State of Illinois employees are exempt from the fee); and
 - C) Copies of all course certificates and relevant prescribed burn prescriptions, training and burn logs, signed Prescribed Fire Burn Manager Apprentice Task Book, and prescribed burn report forms or an affidavit described in Section 1565.20(d) for the burns required in Section 1565.20(b)(3) documenting the experience and apprenticeship.
- c) To become an apprentice, a person must apply to the Department in writing and be accepted by a certified prescribed burn manager who will agree to supervise the training in conducting the burn. An apprentice prescribed burn manager shall assume the functions of a certified prescribed burn manager during a burn under the direct supervision of a certified prescribed burn manager. An apprentice shall sign the prescribed burn report as the "apprentice prescribed burn manager" and note his or her experience on the Application. The certified prescribed burn manager supervising the apprentice shall also provide an evaluation of the performance of the apprentice and certify the successful completion of the burn by the apprentice on the Prescribed Fire Burn Manager Apprentice Task Book.
- d) Prior to December 31, 2015, persons who have submitted an affidavit along with their Application attesting to their participation in at least seven burns, including at least five at which they have served as the prescribed burn manager prior to November 1, 2009, shall be considered to have completed the apprenticeship and experience requirements.
- e) Persons who hold certifications from other states whose training meets or exceeds the requirements of this Part can receive an Illinois Certified Prescribed Burn Manager Certificate by submitting an Application, proof of certification in another state and the \$50 fee to: Illinois Department of Natural Resources,

Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271.

- f) Persons who have received the certification as a Prescribed Fire Burn Boss Type 1 or Type 2, known as RXB1 or RXB2 respectively, under the NIIMS Wildland Fire Qualification System, can receive an Illinois Certified Prescribed Burn Manager Certificate by submitting an Application, proof of the RXB1 or RXB2 certification and the \$50 fee to: Illinois Department of Natural Resources, Attention: Prescribed Burn Manager Certification, One Natural Resources Way, Springfield IL 62702-1271.

(Source: Amended at 42 Ill. Reg. 13241, effective June 22, 2018)

Section 1565.30 Burn Prescriptions

The burn prescription shall include the following information:

- a) a site name or other designation for the prescribed burn area;
- b) location of the prescribed burn, including county, civil township, township range and section, and a map showing the location of the burn, firebreaks, hazards, staging area and other features specific to the execution of the burn;
- c) the name, address and phone number of the owner or manager of the land where the burn is to take place;
- d) the time frame when the prescribed burn is to take place;
- e) the purpose and objectives for the prescribed burn;
- f) a description of the area to be burned, including, but not necessarily limited to, size in acres, fuel type, topography, known presence of endangered or threatened species, and presence of peat or high organic soils and mitigation measures to prevent or control ignition of those soils;
- g) the range of acceptable pre-ignition weather factors, including, but not limited to, air temperature, relative humidity, wind direction and wind velocity;
- h) the minimum number of burn personnel required;
- i) an outline of smoke sensitive areas and smoke mitigation methods;
- j) the equipment required, other than standard hand tools;
- k) a communication plan and equipment for the prescribed burn;
- l) a method of fire line construction;

- m) copies of required permits;
- n) plans for making notifications as described in Section 1565.40;
- o) contingency plans for escaped fires, including water sources, rendezvous location for fire departments and paramedics, other fire fighting resources available, vulnerable infrastructure, escape routes and safety zones;
- p) emergency contact information, including, at a minimum, the closest intersection, fire, paramedic and police emergency and non-emergency dispatch contact information;
- q) name, certificate number and contact information for the certified prescribed burn manager approving the burn prescription;
- r) a signature of a certified prescribed burn manager approving the burn prescription and the date of the signature; and
- s) the signature of a landowner approving the use of prescribed burning on the property. Approvals of prescribed burning would also be considered valid if prescribed burning is included on another land management plan or other document approved in writing by the landowner.

Section 1565.40 Notifications and Permits

- a) The certified prescribed burn manager shall make a reasonable attempt to notify all adjoining landowners and occupants of the approximate time and date of the burn, using a method that is reasonably assured to provide notice before the planned prescribed burn. The method of notification to adjacent landowners shall be documented on the prescribed burn report. Any one of the following are considered reasonable attempts of notification and shall be considered in compliance with Section 15(5) of the Act and this Section; however, this list should not be construed to be the only acceptable ways to make this notification:
 - 1) posting the property to be burned;
 - 2) contacting or attempting to contact the adjoining landowner by phone, in person, delivery of a brochure or written notice to a residence or via mail or email; or
 - 3) publication of the intent and range of dates and approximate time in a newspaper published in the area of the burn.
- b) The certified prescribed burn manager shall notify, on the day of the burn, the local fire departments, county dispatcher, 911 dispatcher or other emergency dispatcher who has jurisdiction over the area including the prescribed burn. If a

local agency is dispatched through a central dispatching agency, the prescribed burn manager will be considered in compliance with Section 15(4) of the Act and this Section if he or she has notified the central dispatching agency.

- c) The certified prescribed burn manager shall insure that all local, State and federal permits that are needed are obtained before a prescribed burn is conducted. This may include, but is not limited to, an open burning permit from the Illinois EPA pursuant to 35 Ill. Adm. Code 237.201.

Section 1565.50 Conducting Prescribed Burns

- a) In order to ensure the safety of personnel and the public, a certified prescribed burn manager shall be present at the scene of all prescribed burns except where the landowner is conducting prescribed burning on his or her own lands or on the lands of another with the landowner's permission as authorized by Illinois law.
- b) The certified prescribed burn manager shall obtain guidance from the National Weather Service (NWS) in identifying Fire Weather Watch and Red Flag Warning conditions available through the regional NWS offices of the National Oceanic and Atmospheric Agency. The determination by NWS of Fire Weather Watch and Red Flag Warning conditions for a designated area will require that the certified prescribed burn manager and other personnel exercise elevated caution during those conditions.
- c) The certified prescribed burn manager is responsible for reviewing and implementing the burn prescription, reviewing it with the burn personnel and the timely completion of the prescribed burn report. The certified prescribed burn manager shall discuss emergency procedures and plans with burn personnel and modify procedures and contingency plans if necessary.
- d) In the case of an escaped fire, the certified prescribed burn manager or his or her designee shall assess burn personnel status, contact outside agencies if necessary, and share information (e.g., aerial photos, burn prescription, resources available and access routes) with other agencies at the scene. A certified prescribed burn manager shall serve as Incident Commander and remain in command until command is transferred to another qualified person. The certified prescribed burn manager may serve in a Unified Command or relinquish Incident Command authority to other firefighting authorities at his or her discretion.
- e) When a person is conducting prescribed burning on his or her own lands or on lands of another with the landowner's permission, the person shall have a written burn prescription, make the notifications described in Section 1565.40, and conduct the burn as described in Section 1565.50(b) and (c).
- f) Where applicable, persons shall follow guidance from the Illinois EPA concerning Illinois' Smoke Management Plan (SMP), including avoiding

prescribed burns on "Air Pollution Action Days" as defined in the SMP or in consultation with the Illinois EPA.

Section 1565.60 Records and Reporting

- a) After each prescribed burn, a prescribed burn report shall be completed by the certified prescribed burn manager for the burn, or his or her designee, and provided to the landowner upon request and to any apprentice. The certified prescribed burn manager or his or her employer shall maintain a file of all prescribed burn prescriptions and prescribed burn reports for completed burns for a period of not less than five years after the completion of a burn. This file shall be made available to the Department upon request.
- b) A prescribed burn report shall include:
 - 1) a copy of the prescribed burn prescription;
 - 2) a map showing the area actually burned, control lines, wind direction, fire mosaic and other features specific to the execution of the burn;
 - 3) the date and time the prescribed burn took place, including ignition time, time of significant events and final mop up time;
 - 4) an evaluation of the burn, including a discussion of meeting burn objectives, changes or deviations from the prescribed burn prescription, injuries or damage to property if any, any emergency actions taken and other significant events;
 - 5) an evaluation of the performance of any apprentice prescribed burn manager that served on the burn;
 - 6) the pre-ignition weather factors and any other weather observations collected to verify conditions were within the burn prescription;
 - 7) the number of burn personnel involved;
 - 8) documentation of all notifications and permits obtained;
 - 9) information on any fire, paramedic and police emergency agencies that were requested and arrived on scene;
 - 10) name, certificate number and contact information for the certified prescribed burn manager; and
 - 11) a dated signature of the certified prescribed burn manager and any apprentice prescribed burn manager serving at the burn.

- c) If there are any injuries that require professional medical attention or damage to public or private property in excess of \$500, or if the prescribed burn becomes an escaped fire, the certified prescribed burn manager shall supply a copy of the prescribed burn report to the landowner, responding emergency agencies and, within 45 days after completion of the prescribed fire, to the Illinois Department of Natural Resources, Attention: Prescribed Fire Reports, One Natural Resources Way, Springfield IL 62702-1271.

Section 1565.70 Administration of Act

- a) Upon receipt of a completed Certified Prescribed Burn Manager Application, the required documentation of coursework, apprenticeship and experience described in Section 1565.20 and a fee of \$50, the Department shall issue an Illinois Certified Prescribed Burn Manager Certificate within 45 days or notify the applicant in writing of the reason the certificate was denied. Applicants who have been denied a certificate may re-apply after correcting any deficiencies in their original Application. Persons employed by the State of Illinois shall be exempt from the \$50 fee.
- b) Denial of a certificate may be appealed pursuant to 17 Ill. Adm. Code 2530.
- c) Any fees collected under this Part shall be deposited into the Forestry Development Fund.
- d) An Illinois Certified Prescribed Burn Manager Certificate may be revoked pursuant to the procedures described in 17 Ill. Adm. Code 2530 for serious and or continuing violations of the Act or this Part, falsification or misrepresentation on the Certified Prescribed Burn Manager Application or supporting documents, or a pattern of negligence in performing the duties of a certified prescribed burn manager.
- e) An organization or individual may petition the Department to approve coursework and training programs as an Illinois Prescribed Burn Manager Course by submitting to the Board a course syllabus, length of course and trainer qualifications demonstrating that the course meets the standards described in Section 1565.20(a)(1). The Board may require the submitter to provide additional information necessary to evaluate the program. The Board shall make a recommendation to the Director to approve or not approve the submitted program as an Illinois Prescribed Burn Manager Course.
- f) Periodically, but not less than annually, the Board shall meet to review prescribed burn reports submitted under this Part, review requirements of prescribed burn certification in other states and make a recommendation to the Director on whether other states' certification programs meet or exceed requirements in this Part to receive an Illinois Certified Prescribed Burn Manager Certificate; review this Part and make recommendations to the Director for any needed changes; and prepare reports on prescribed burning at the request of the Director.

- g) The Board may conduct its meetings via conference call or other electronic means provided all participants are in locations open to the public that have been published in compliance with the Illinois Open Meetings Act [5 ILCS 120].
- h) A quorum of the Board shall be defined as four members.

(Source: Amended at 36 Ill. Reg. 14415, effective September 5, 2012)

Section 1565.EXHIBIT A Certified Prescribed Burn Manager Application (Repealed)

(Source: Repealed at 42 Ill. Reg. 13241, effective June 22, 2018)