

**By signing below, I certify that I have received a copy of the Mississippi Prescribed Burning Act (Also known as the “Mississippi Burning Law”). I understand that I must comply with this act when doing a prescribed burn on acreage that is under contract in the \_\_\_\_\_ Program (\_\_\_\_\_). Prescribed burning under these programmatic provisions shall:**

- A) Require at least one certified prescribed burn manager supervise the burn that is being conducted.**
- B) Require that a written prescription (also called a burn plan) be prepared and notarized prior to conducting a prescribed burn. A copy of the burn plan will be provided to NRCS prior to receiving payment for the burn.**
- C) Require that a burning permit be obtained from the Mississippi Forestry Commission before the burn is conducted.**

**LANDOWNER SIGNATURE \_\_\_\_\_**

**DATE \_\_\_\_\_**

## **MISSISSIPPI PRESCRIBED BURNING ACT AND OTHER FIRE-RELATED LAWS**

### **§49-19-301. Short Title.**

§49-19-301 may be cited as the "Mississippi Prescribed Burning Act."

### **§49-19-303. Legislative findings; purpose.**

- (1) The application of prescribed burning is a landowner property right and a land management tool that benefits the safety of the public, the environment and the economy of Mississippi. Pursuant thereto, the Legislature finds that:
  - (a) Prescribed burning reduces naturally occurring vegetative fuels within wildland areas. Reduction of the fuel load reduces the risk and severity of major catastrophic wildfire, thereby reducing the threat of loss of life and property, particularly in urbanizing areas.
  - (b) Most of Mississippi's natural communities require periodic fire for maintenance of their ecological integrity. Prescribed burning is essential to the perpetuation, restoration and management of many plant and animal communities. Significant loss of the state's biological diversity will occur if fire is excluded from fire-dependent systems.
  - (c) Forest lands constitute significant economic, biological and aesthetic resources of statewide importance. Prescribed burning on forest land prepares sites for reforestation, removes undesirable competing vegetation, expedites nutrient cycling, and controls or eliminates certain forest pathogens.
  - (d) The state manages hundreds of thousands of acres of land for parks, wildlife management areas, forests, and other public purposes. The use of prescribed burning for management of public lands is essential to maintain the specific resource values for which these lands were acquired.
  - (e) Proper training in the use of prescribed burning is necessary to ensure maximum benefits and protection for the public.
  - (f) As Mississippi's population continues to grow, pressures from liability issues and nuisance complaints inhibit the use of prescribed burning.
- (2) It is the purpose of Sections 49-19-307 to authorize and promote the continued use of prescribed burning for ecological, silvicultural and wildlife management purposes.

### **§49-19-305. Definitions.**

- (1) "Prescribed burning" means the controlled application of fire to naturally occurring vegetative fuels for ecological, silvicultural and wildlife management Purposes under specified environmental conditions and the following of appropriate precautionary measures which cause the fire to be confined to a predetermined area and accomplishes the planned land management objectives.
- (2) "Certified prescribed bum manager" means an individual or county forester who successfully completes the certification program approved by the Mississippi Forestry Commission.

- (3) "Prescription" means a written plan for starting and controlling a prescribed burn to accomplish the ecological, silvicultural, and wildlife management objectives.

**§49-19-307. Regulation of prescribed burns; liability.**

- (1) No property owner or his agent, conducting a prescribed burn pursuant to the requirements of this section, shall be liable for damage or injury caused by fire or resulting smoke, unless negligence is proven.
- (2) Prescribed burning conducted under the provisions of this section shall:
  - (a) Be accomplished only when at least one (1) certified prescribed burn manager is supervising the burn or burns that are being conducted,
  - (b) Require that a written prescription be prepared and notarized prior to prescribed burning;
  - (c) Require that a burning permit be obtained from the Mississippi Forestry Commission; and
  - (d) Be considered in the public interest and shall not constitute a public or private nuisance when conducted pursuant to state air pollution statutes and rules applicable to prescribed burning.
- (3) The Mississippi Forestry Commission shall have the authority to promulgate rules for the certification for prescribed burn managers and guidelines for a prescribed burn prescription.
- (4) Nothing in this section shall be construed to limit the civil or criminal liability as provided in §97-17-13 and §95-5-25, Mississippi Code of 1972.

**§96-6-26. By firing woods.**

If any person shall set on fire, any lands of another, or shall wantonly, negligently, or carelessly, allow any fire to get into the lands of another, he shall be liable to the person injured thereby, not only for the injury to or destruction of buildings, fences, and the like, but for the burning and injury of trees, timber, and grass, and damage to the range as well; and shall moreover be liable to a penalty of one hundred and fifty dollars in favor of the owner.

**§97-17-13. Arson-willfully or negligently firing woods, marsh, meadow, etc.**

If any person willfully, maliciously, and feloniously, sets on fire any woods, meadow, marsh, field or prairie, not his own, he shall be guilty of a felony and shall, upon conviction, be sentenced to the state penitentiary for not more than two (2) years, nor less than one year, or fined not less than two hundred dollars (\$200.00), nor more than one thousand dollars (\$1,000.00), or both, in the discretion of the court.

Provided, however, if any person recklessly or with gross negligence, causes fire to be communicated to any woods, meadow, marsh, field or prairie, not his own, he shall be guilty of a misdemeanor and shall, on conviction, be fined not less than twenty dollars (\$20.00), nor more than five hundred dollars (\$500.00), or imprisoned in the county jail not more than three (3) months, or both, in the discretion of the court.