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Legislation to Promote Prescribed Burning Signed by Governor Braun

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A new law to expand Indiana's prescribed fire capacity was signed by Gov. Mike Braun on April 30. The bill expands a prescribed fire training program administered by the Indiana Department of Natural Resources. The bill also defines the liability for those certified through the training program.

Prescribed burning is the planned application of fire under specified weather and fuel conditions to achieve specific and clear management objectives, such as restoring wildlife habitat. Previously, Indiana was one of only a few states that did not have a certification program or liability clearly defined through legislation.

Fire has been part of Indiana's landscape for thousands of years. Native Americans purposefully and strategically used fire to shape Indiana's landscape for a variety of reasons including wildlife habitat management, vegetation regeneration, and management of oak and hickory species, all to create abundant and predictable resources.[1] Fire continued to influence Indiana's landscape following European settlement until exclusion of fire within the past century. This exclusion of fire can still be reversed with prescribed burning before it is too late.

The Indiana Prescribed Fire Council led this effort with partners over the past three years, including The Nature Conservancy in Indiana, who shepherded the bill through the legislative process. The Conservation Law Clinic of the Conservation Law Center at Indiana University's Mauer School of Law drafted the initial version of this legislation, which Rep. Beau Baird, introduced and championed. The Southern Indiana Sentinel Landscape helped lead the effort with the partners to support the many overlaps in priorities, including restoration of oak-dominated ecosystems and supporting thriving rural economies. Co-authors included Representatives Michael Karickhoff, Maureen Bauer, and Mike Aylesworth. Senator Susan Glick sponsored the bill in the Senate.

"This bill marks an important step forward for conservation and private land stewardship in Indiana. With clearer training standards and liability protections, prescribed fire can continue to be applied safely, effectively, and more widely across the landscape," said Jarred Brooke, chair of the Indiana Prescribed Fire Council.

"The Midwest is full of fire-dependent landscapes, and many of them depend upon fairly frequent fires, so putting fire back on the ground helps to restore these natural areas," said Stuart Orr, Fire Manager for The Nature Conservancy (TNC) in Indiana. "For more than 40 years, TNC has worked with its conservation partners on safe, prescribed fires throughout the state, but those are only on lands we own and manage. This new legislation will facilitate private landowners to also use this essential tool to manage their property and improve habitat."

"We are grateful to the General Assembly and Gov. Braun for supporting this legislation. Indiana needs prescribed burning to restore the health of our landscape. First we must start by restoring a culture of fire. This legislation lays that foundation. Generations from now, our rural landscapes and economies will be better for it," said Michael Spalding, Coordinator for the Southern Indiana Sentinel Landscape Program at the Conservation Law Center.

This legislation provides numerous benefits to Indiana:

- Supports private property rights
    - Enables private landowners to use an essential tool to manage their property. A lack of established liability for private landowners and their representatives has been a barrier for landowners to exercise their rights to manage their property.
- Improves the market for prescribed fire liability insurance
    - Legislation should enable insurance companies to offer more competitive rates and expand coverage while also expanding the number of companies willing to provide this insurance in Indiana.
- Increases economic opportunities for small businesses
    - The cost and availability of insurance for prescribed fire is a limiting factor for businesses to be able to offer this service to private landowners in Indiana. Liability protection reduces this barrier for both new and existing contractors.
- Allows landowners to tap into federal funding
    - USDA already makes funding available to help landowners cover the cost of writing a burn plan and conducting a burn, but without liability legislation their ability to conduct a burn or hire a contractor is extremely difficult.[2]
- Enhances the future of Indiana's hardwood Industry
    - Oak species are the cornerstone of Indiana's $10 Billion hardwood industry.[3] Indiana's oak forests and woodlands were born out of fire. Without widespread application of prescribed fire, our future supply of oak timber is bleak. Prescribed fire is the most effective and efficient way to begin the next crop of oaks needed to fuel this industry.
- Restores and maintain wildlife habitat to protect and promote our hunting heritage
    - Native habitat managers throughout the eastern US are implementing more fire to restore and improve essential habitat for game and non-game species. Indiana has shown that we can be a leader in quality hunting opportunities, but Indiana needs prescribed fire as a viable tool for that trend to continue.
- Bolsters a Standard of Prescribed Fire Training
    - Legislation will support a standardized training program for prescribed fire, incentivizing individuals to complete the training through liability protections. This will enhance the safe application of prescribed fire.

About the Indiana Prescribed Fire Council
We are a collection of prescribed fire practitioners from across Indiana. We have members from various state and federal agencies, universities, conservation organizations, land trusts, private companies and consultants, and private landowners. Our mission is to promote the safe use of prescribed fire in the management of Indiana's diverse ecological systems.

About The Nature Conservancy
The Nature Conservancy is a global organization operating in more than 70 countries. The Indiana Chapter is the state's largest conservation organization, with more than 60 employees protecting and managing natural resources across Indiana. For more than 60 years TNC has worked closely with partners to implement science-based conservation.

About the Conservation Law Center
The Conservation Law Center provides legal counsel and strategic support for conservation efforts, with a focus on protecting natural resources and promoting sustainable land use. Based in Indiana, the CLC's work spans land conservation, biodiversity protection, and public land advocacy to ensure a sustainable future for both people and the planet. The Conservation Law Center is dedicated to promoting conservation-focused land management and advocating for sustainable practices that balance environmental health and public benefit. To explore CLC's initiatives and commitment to natural resource protection, visit conservationlawcenter.org.

About the Southern Indiana Sentinel Landscape
The Southern Indiana Sentinel Landscape (SISL), led by the Conservation Law Center, is a collaboration of diverse partners who are advancing the pace and scale of conservation throughout a three and a half million-acre swath of south-central Indiana to protect military missions on four critical installations and ranges. SISL works to preserve and protect military missions, support sustainable farming and forestry, restore and sustain ecosystems, ensure thriving human communities, and buffer against extreme weather events.

1. Marsh, D. G. 2022. The Coming Out Place. Indiana Magazine of History 118:1–40.
2. https://www.nrcs.usda.gov/sites/default/files/2024-12/FY25%20EQIP%20Practice%20User%20Guide%20for%20Indiana.docx
3. https://www.in.gov/isda/divisions/economic-development/hardwoods/#:~:text=Indiana's%20hardwood%20industry%20has%20an,and%2026%2C000%20in%20ancillary%20sectors

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