



Ensuring a safe and secure homeland for all North Dakotans

■ Wildland Fire Frequently Asked Questions (FAQs)

The purpose of this document is to address questions regarding wildland fire prevention and response. Information contained in this fact sheet is current as of **March 4, 2025**. If there are any questions concerning the status of this information, please contact the ND Department of Emergency Services at (701) 328-8100.

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BURN RESTRICTIONS

Q1. Who has the authority to issue burn restrictions?

A. Local governments, as well as the Governor, have authority to issue burn restrictions under the Emergency Services chapter of the ND Century Code.

- **Local burn restrictions may only be issued upon a declaration of a local emergency or disaster pursuant to NDCC 37-17.1-10**

In addition, state and federal land management agencies have the authority to implement restrictions on their lands. In the event multiple burn restrictions are implemented, the more restrictive must be followed.

Q2. What is the penalty for violating burn restrictions?

A. First offense of a burn restriction is a Class B misdemeanor ([NDCC 37-17.1-10](#)): up to 30 days in jail and a \$1,500 fine ([NDCC 12.1-32.01](#)).

Q3. What is the purpose of burn restrictions?

A. The purpose of burn restrictions is to reduce the risk of human-caused fires during unusually high fire danger and/or burning conditions and for the protection of human life and property. Burn restrictions impose many limitations on the general public and therefore should be implemented only after all other prevention measures have been taken (i.e. public awareness campaigns).

Q4. What factors should be taken into account before issuing burn restrictions?

A. Burn restrictions should only be considered when:

- High to Extreme fire danger is predicted
- Frequency of human-caused fires being experienced has increased
- Firefighting resources are diminished
- Potential high-risk occasions (i.e. 4th of July, etc)
- Large fire activity occurring within your jurisdictions
- Persistent drought conditions exist

Q5. Who should I coordinate with when considering issuing burn restrictions?

A. When making a determination to implement burn restrictions, it is recommended county and/or city officials collaborate with local, state and federal entities, such as:

- Local/tribal fire officials
- Local/tribal emergency management
- Local/tribal law enforcement
- National Weather Service (NWS)
- ND Forest Service
- State Fire Marshal's Office

- State and Federal agencies with land in your jurisdiction (i.e. ND Game and Fish, ND Parks and Recreation, US Forest Service, National Park Service, US Fish and Wildlife Service, etc.)

Q6. Who do I need to notify when a burn restriction is implemented?

A. A variety of means (i.e. websites, social media, media – newspapers, TV, radio, etc) should be leveraged to ensure the public is aware of burn restrictions. In addition, minimum notifications should be made to appropriate local responders, agencies having land within your jurisdiction and the ND Department of Emergency Services (NDDDES) via WebEOC. Since issuance of burn restrictions impose many limitations on the public, implementation of burn restrictions for an entire year or season is not ideal. However, if doing so it is important that ongoing outreach and public awareness actions are in place to ensure those moving into or visiting your jurisdiction are aware.

Current Burn Restrictions, Fire Danger Ratings, Red Flag Warnings and Local/Tribal Fire Declarations are contained within one intuitive tool on the ND Response website. Following is a link to the ND Fire Declarations and Burn Restrictions Map ([Burn Restrictions & Fire Danger Maps | ND Response](#)).

Q7. How long is are burn restrictions in effect?

A. A burn restriction is only in effect for seven days if initial documentation is signed only by a principal executive officer of the county or city commission in the absence of a majority of commission members. It may not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the county or city.

- ***Burn restrictions should be rescinded when fire danger conditions have improved and/or previously diminished fire response capabilities have been restored. Consultation with appropriate local, state and federal partners is recommended. At a minimum they should be rescinded at the end of the fire season and be revisited the following year and appropriate outreach conducted.***

Q8. What is the process for rescinding a burn restriction?

A. Jurisdictions should follow the same process to rescind a burn restriction as they did to put one in place.

Q9. What is the North Dakota Fire Danger Guide?

A. The [ND Fire Danger Guide](#) is designed for landowners, equipment operators and outdoor enthusiasts. If there are no local or state burn restrictions in place, the guidelines outlined are highly advised. If there are restrictions in place, you must follow what is outlined in the proclamation. Information regarding current proclamations and burn restrictions can be found at ndresponse.gov/burn. During severe, extended conditions or drought, the Governor may issue a proclamation mandating these guidelines. Fines and other penalties may be assessed for failing to comply. Local governments may institute burn restrictions regardless of the fire danger or Governor's proclamation and cannot be less than what is in the Governor's proclamation.

FIRE WEATHER PRODUCTS

Q10. What is the Fire Danger Rating and how is it calculated?

A. The ND Fire Danger Rating is issued and posted daily on the ND Response website. The ND Fire Danger Rating provides an indication of rural fire potential by describing the conditions that reflect the potential for a fire to ignite, spread and grow, and require suppression. **It is critical that you verify the current Fire Danger Rating and local burn restrictions BEFORE burning and participating in outdoor activities.** The Fire Danger Rating is a forecast of the potential for non-agricultural grasslands to carry fire and is an indication of the probability of a fire growing beyond initial attack response, not necessarily the frequency of fires. Should a fire ignite, it is more likely that it would grow or spread during higher Fire Danger Rating days. It is based on factors such as the temperature, humidity, wind, cloud cover, and the fuel moisture of non-agricultural grasslands. The highest threat period for wildland fire danger is usually before the spring green-up and again in the fall.

Q11. What is the difference between a FIRE WEATHER WATCH and a RED FLAG WARNING and how are they calculated?

A. The National Weather Service (NWS) issues FIRE WEATHER WATCHES and RED FLAG WARNINGS to alert land management agencies about the onset of critical weather and fuel moisture conditions that could lead to rapid or dramatic increases in wildland fire activity.

- **FIRE WEATHER WATCH** – issued when the potential for Red Flag conditions exists in the next 12 to 72 hours
- **RED FLAG WARNING** – issued when Red Flag criteria are expected to be met within the next 24 hours, are imminent or are occurring

A Red Flag event is defined as weather conditions which could sustain extensive wildland fire activity and meet one or more of the following criteria typically in conjunction with VERY HIGH or EXTREME fire danger:

- Sustained surface winds of 20 mph or higher
- Unusually hot or dry conditions (i.e. Relative Humidity (RH) less than 20%)
- Dry thunderstorm activity is foreseen during an extremely dry period
- Anytime the forecaster sees a change in weather that would result in a significant increase in fire danger (e.g. very strong winds associated with a cold front even though the Fire Danger Rating is below the HIGH category, extensive lightning, etc.)

DECLARATIONS

Q12. When should issuance of a declaration be considered?

A. Following is information regarding local and state declarations:

■ Local Declaration

- When local government has determined an emergency/disaster has exceeded or is expected to exceed local capabilities, the governing body can issue an emergency/disaster declaration.
- Issuance of a local declaration allows:

- Activation of the Local Emergency Operations Plan (LEOP)
- Use of local emergency funds
- Authorization to request additional resources
- State Declaration
 - If conditions warrant, the Governor can issue a State Fire Declaration accomplishing the following:
 - Activation of the State Emergency Operations Plan
 - Authorizing state agencies to utilize and employ state personnel, equipment and facilities; this includes the National Guard.
 - Enables the state to request additional resources through the ND Dispatch Center, Emergency Management Assistance Compact (EMAC), etc.

ROLES/RESPONSIBILITIES

Q13. What is the role of the Local Emergency Manager (EM)?

A. The EM's role is not that of a first responder but that of a coordinator. The EM is responsible for coordination of preparedness activities (to include declarations and associated burn bans/fire restrictions as well as public awareness/information) local response and recovery efforts and liaison to the NDDDES State Emergency Operations Center (SEOC). The EM coordinates resources in support of the local Incident Commander (IC) and ensures proper coordination is taking place between departments and logistical needs are met. Depending on the size and complexity of the incident the EM may conduct coordination activities from their office or from the local EOC. The EM is the primary contact and coordinates with NDDDES to obtain state and/or federal assistance and provide situational awareness.

Q14. What is the role of the ND Department of Emergency Services (NDDDES)?

A. The NDDDES is a coordinating agency and provides 24/7 emergency communications and resource coordination with state agencies in support of local governments during an emergency or disaster.

- Maintains a 24-hour notification capability through the ND Watch Center at (701) 328-8100 or watchcenter@nd.gov.
- Notifies appropriate state agencies and other agencies
- Provides overall situational awareness to the Governor's Office and those agencies providing support to the incident
- Activates, as necessary, and manages the SEOC to coordinate state response
- Coordinates directly with the ND Forest Service regarding availability and acquisition of state and/or federal firefighting resources as outlined in the Fire Annex of the State Emergency Operations Plan (SEOP).

Q15. What is the role of the ND Forest Service (NDFS)?

A. The NDFS is the jurisdictional agency for wildland fire in ND and can provide assistance under their own authority.

- Primary Mission
 - Support local jurisdictions in a mutual aid capacity. The NDFS will work with local jurisdictions to establish a unified command or act as additional firefighting resources under the command of the Incident Commander. The unified command structure will

also be implemented on multi-jurisdictional fires with local, state and federal participants. Mutual aid support is not limited to fire suppression but also includes planning, logistics, training and preparedness. The fire management program also provides assistance to rural fire departments through training, Federal Excess Property programs and Cooperative Fire Grants.

- Secondary Mission

- Provide support to incidents outside the boundaries of the state. The NDFS fire resources are nationally listed resources. When conditions allow, they can be dispatched around the country to assist in firefighting efforts.

Q16. What resources are available through the ND Forest Service and how do I request them?

A. The ND Forest Service can provide the following assistance upon request either directly or through the ND Watch Center. Following is a comprehensive list of resources stationed at the NDFS Field Office in Bismarck, which may or may not be available at any given time.

- Technical Assistance

- Wildland fire tactics, staging and logistical planning, etc.

- Resources

- Fire Suppression Equipment
- Fire Planning and Logistics Support

- Response Time

- Depending on availability, response time for dispatch is typically 30 minutes plus travel time.

Q17. What additional state resources may be available through NDDes?

A. Additional state assistance, to include the following, may be made available to local jurisdictions responding to incidents/emergencies when local, mutual aid and private sector resources have been or are expected to be exhausted, are unavailable or cannot be deployed in time:

- Reconnaissance surveillance of fire impacted areas
- Surveillance with Forward Looking Infra-Red (FLIR) equipped aircraft to help locate hotspots
- Aerial fire suppression
- Communications assets
- Equipment and personnel for construction of fire breaks

A local declaration is necessary when requesting state resources; verbal notification of a declaration will be accepted, however, a signed declaration must be submitted as soon as possible. Requests for resources should be made to the ND Watch Center by the local EM or designee in coordination with the Incident Commander (IC) and/or local EOC, if activated. Assets will be allocated on a priority basis depending upon the extent and duration of need, lack of local availability and delivery time.

REPORTING

Q18. Why do I need to notify the local EM?

A. The local EM can play a key role in obtaining additional assistance beyond mutual aid. Although [North Dakota Century Code 18-01-06](#) requires fire chiefs or their designee to report fires to the State Fire Marshals Office within 30 days of occurrence, when an EM is notified of a fire, they are asked to

notify the ND Watch Center via WebEOC, phone or email, especially on near critical fire weather condition days, regardless of whether assistance is requested or not. This notification provides real-time situational awareness regarding the level of statewide fire activity and helps determine if subsequent actions are necessary (i.e. staging of resources, issuance of state fire declaration, etc). If you have a large fire that has the potential to exceed your local capabilities it is critical that an early “heads up” report is provided to the ND Watch Center as it takes time to mobilize state resources. Early notification allows state agencies to begin preparing to mobilize state resources, thus reducing the time it takes to activate resources for response time, in the event those resources are officially requested by the local IC.

Q19. What guidelines should be followed for reporting fires to NDDES?

A. Local responders should coordinate directly with the local EM regarding fire activity within their jurisdiction and establish local protocols for notification and reporting. The following is guidance provided to local EMs for notification to NDDES:

- Large fire (multiple mutual aid requests, fire unable to be controlled, structures/communities threatened or have the potential to do so, etc.)
- Multiple fires during Red Flag Warning or high wind conditions
- Evacuations have occurred or are being considered
- Potential need for state or federal assistance
- Deaths or injuries have occurred

Smaller fires that do not meet the above criteria can be reported on a weekly basis via WebEOC for situational awareness and fire tracking purposes.

ADDITIONAL INFORMATION

Q20. How do I obtain a Temporary Water Permit?

A. The ND Department of Water Resources (NDDWR) requires that a temporary water permit is obtained any time surface or ground water is used during an emergency response (***North Dakota Century Code (NDCC) §61-04-02.1 and North Dakota Administrative Code §89-03-01-10***). The local incident command/unified command, or local EOC, is responsible for coordinating with the NDDWR (701-328-2754) to obtain verbal approval. If unable to reach the NDDWR, contact the ND Watch Center for assistance.

Verbal requests must include the following:

1. Name of the responding agency.
2. A contact person.
3. A phone number where the contact person can be reached.
4. The source from which the water will be taken.
5. The approximate location of the point of water withdrawal (approximate location of use can be in general terms, such as 2 miles upstream from the bridge on Highway 10 west of Mandan).
6. The planned rate of withdrawal (if known). Often the rate of withdrawal is dependent upon the type of pump used, so the pump type is often given.

Following verbal approval, permit procedures outlined below, must be completed as time allows.

- After the incident, the responding agency representative must follow up with a written application. The [temporary water permit application](#) is on the NDDWR website.

Q21. How do I request a Spot Weather Forecast?

A. A Spot Weather Forecast for prescribed burns or wildland fires can be requested through your local National Weather Service (NWS) office. Requests for Spot Weather Forecasts can be submitted at <http://spot.weather.gov> and the request will be forwarded to the appropriate NWS office (either Bismarck or Grand Forks). Instructional videos on using the spot weather website are available:

- [Requesting a Spot Weather Forecast](#)
- [Using the Spot Monitor Page](#)

Q22. Is the Aerial Applicator Fire Suppression Assistance Program through NDDDES still available?

A. **No.** Effective November 1, 2008, the NDDDES terminated the reimbursement program and no longer accepts requests for payment of aerial applicator fire suppression. Costs associated with deployment of this type of asset are a local expense.

Note: A current listing of all aerial applicators in the state can be obtained through the ND Aeronautics Commission.

Q23. What are some of the common fire definitions I should be aware of?

A. Following are common fire terms/definitions:

- **Contained** – The status of a wildfire suppression action signifying that a control line has been completed around the fire, and any associated spot fires, which can reasonably be expected to stop the fire's spread.
- **Controlled** – The completion of control line around a fire, any spot fires there from, and any interior islands to be saved; burned out any unburned area adjacent to the fire side of the control lines; and cool down all hot spots that are immediate threats to the control line, until the lines can reasonably be expected to hold under the foreseeable conditions.
- **Control Line** – A comprehensive term used for all the constructed or natural fire barriers and treated fire edges used to contain the fire.
- **Extended Attack** – The phase of the incident when Initial Attack capabilities have been exceeded. The incident is not expected to be contained/controlled in the first operational period. All planned actions must consider firefighter and public safety as the number one priority.
- **Fireline** – Any cleared strip or portion of a control line from which flammable materials have been removed by scraping or digging down to mineral soil.
- **Initial Attack** – The action taken by resources that are first to arrive at an incident. All wildland fires that are controlled by suppression forces undergo initial attack. The kind and number of resources responding to initial attack varies depending upon fire danger, fuel type, values to be protected and other factors. Generally, initial attack involves a small number of resources and incident size is small. Normally limited to one operational period, at least the containment phase. Mop up/control may extend into multiple periods.

- **Mop Up** – Extinguishing or removing burning material near control lines, felling snags, and trenching logs to prevent rolling after an area has burned, to make a fire safe, or to reduce residual smoke. Final extinguishment of a fire after it has been lined.