



State of New Hampshire  
Forest Protection Bureau

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## Guidance For Fire Permit Issuers

**Purpose:** The purpose of this document is to provide Fire Permit Issuers with direction in the issuance of Fire Permits, with an emphasis on Seasonal Category I and Category II permits. It is the intent of the Division of Forests and Lands to make fire permits accessible to the public in a safe, simple, efficient and consistent manner statewide. The division understands that special circumstances often arise and ask that Forest Fire Wardens contact their District Forest Ranger for assistance when needed.

### **Issuance of Seasonal Category I and Category II Permits:**

- If an individual requests a Seasonal Category I or II permit and the site and circumstances are such (Res 5601.04) that they would be issued a Category I or II permit, then a seasonal permit will be issued.
- As with other permits, additional requirements may be asked of the permittee, such as the request to call the fire department or dispatch before burning, checking the fire danger class day, having adequate suppression equipment etc...

### **Frequently Asked Questions:**

- **Can more than one type of seasonal permit be issued to the same individual and/or location?** Yes. If an individual has two fire locations at the same location, then both would need to be checked on the permit. The permittee would need to understand the different kindle times, setbacks etc...for a Category I vs. Category II fire.
- **Are there required setbacks from public roads and utility lines?** No, however, the Warden, DW or Issuing agent can deny the permit if the burning in a specific location will create an unusual hazard that will endanger life or property or both (Res 5601.08 (e))
- **If a fire permit is summarily suspended for non-compliance can all other fire permits for that individual or physical address be suspended also?** No. Summarily suspended applies to the specific permit and violation. If corrective action is taken and conditions are compliant with law and rule, then another permit can be issued to the individual.
- **What constitutes a structure regarding compliance with setback distances?** For the purposes of Res. 5600 and the issuance of Fire Permits, the Division of Forests and Lands has used NFPA 1144 as a guide to define a structure. **Structure:** "A building usually enclosed by walls and a roof, constructed to provide support or shelter for an intended occupancy of people or animals, including any attached combustible piece of work artificially built up or composed of parts joined together in some definite manner".
- **What is the definition of combustible?** As defined by NFPA 1144, a combustible is any material that, in the form in which it is used and under the conditions anticipated, will ignite and burn or will add appreciable heat to an ambient fire.
- **Is there a date in the spring when seasonal permits are required to be in effect once the snow cover has dissipated?** No. The permit requirements are not dictated by dates. As with any permit, a Seasonal permit can be issued anytime and is in effect when there is not the required snow cover.

## Reference for frequently used Administrative Rules:

- “Seasonal permit” means a permit issued on an annual basis for a category I, II and IV fire which expires no later than the end of the calendar year in which permit was issued.
- “Open Burning” means the burning of any material wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed container. The use of portable fireplaces is considered open burning.
- Res 5601.02 Fire Permit Required. A fire permit shall be required for all open burning when the ground is not covered by snow. Should a question arise regarding the necessity of a fire permit for any burning device or container, the director shall make the final determination based upon analysis of the construction of the device and the ability or lack thereof of the device to transmit sparks or live fire brands which could endanger the woodlands.
- Res 5601.04 Category I, II, and III Fire Permit.
  - (a) A permittee shall be issued a category I, II or III fire permit if the forest fire Warden or authorized issuing agent determines that:
    - (1) The permittee is the landowner or has the landowner’s written permission;
    - (2) The permittee meets the required age limit;
    - (3) Except for public and private camp and picnic sites, the permittee meets the criteria for specified distances from structures as follows;
      - a. A category I fire is 25 feet from structures; or
      - b. A category II or III fire is 50 feet from structures;
    - (4) The material to be burned is clean, untreated wood or brush less than 5 inches in diameter, and meets applicable air resources regulations;
    - (5) Weather conditions are favorable as to prevent the spread or escape of the fire;
    - (6) The permittee has adequate suppression equipment to control the fire;
    - (7) The permittee meets the required timeframe as follows:
      - a. A category I for any time of day whether raining or not; or
      - b. A category II or III for between the hours of 5:00 p.m. and 9:00 a.m. unless it is actually raining; and
    - (8) The permittee has not had more than 2 open burning violations, or any grievous violations, within the past 7 years based upon the date of first offense.
  - (d) If a forest fire warden or authorized issuing agent does not approve a request for a category I, II or III fire permit pursuant to (a) above, the forest fire warden or authorized issuing agent shall notify the permittee.