

MEMORANDUM OF UNDERSTANDING

Between
THE NATURE CONSERVANCY
and
INDIANA DEPARTMENT OF NATURAL RESOURCES

This is an AGREEMENT, made and entered into by and between the Indiana Department of Natural Resources, hereinafter referred to as DNR, and The Nature Conservancy acting by and through the Indiana State Director, hereinafter referred to as TNC.

INTRODUCTION:

It is generally recognized that prescribed fire is an important tool for managing many natural communities in Indiana for biodiversity, wildlife, and forest products. Both the DNR and TNC maintain personnel who have met training and fitness requirements for prescribed burning, and both have access to adequate prescribed burning and safety equipment. It is to the mutual advantage of both the DNR and TNC to coordinate their efforts in the use of prescribed fire in the management of natural communities in Indiana. Because of this advantage it is the intent of the parties hereto that DNR prescribed burn personnel be allowed to assist in prescribed burning activities conducted on TNC owned or managed lands, that TNC prescribed burn personnel be allowed to assist in prescribed burning activities conducted on DNR owned or managed lands.

Therefore, in consideration of the above premises, the parties hereto agree to the following goals:

I. MUTUAL GOALS

- A. TNC may request DNR personnel and equipment to assist with prescribed burning activities at TNC owned or managed lands.
- B. The DNR may request TNC personnel and equipment to assist with prescribed burning activities at DNR owned or managed lands.
- C. The decision to assist will be made solely by the cooperating organization or agency asked to assist. Because of personnel, time and federal aid constraints, and work priorities, DNR properties should coordinate with their respective Division's Central Office, ideally at the beginning of the fire season, prior to making case-by-case commitments.

II. UNDERSTANDING WITH REGARD TO PRESCRIBED BURN ACTIVITIES:

- 1. TNC employees must meet the DNR burn qualification standards when participating in the burning of DNR Lands. DNR employees must meet TNC's qualifications when burning on TNC lands.

2. All personnel and equipment expenses will be paid by the organization responsible for their respective personnel or equipment. DNR employees must have prior approval if overtime pay is involved.
3. The fire leader for the party that owns or manages the land where prescribed fire activities are taking place will be the incident commander for that fire, provided he/she has sufficient fire qualifications. Both parties must be in agreement as to whom the incident commander is, or if joint command will be utilized.
4. Each party agrees that it will be responsible for its own acts and the results thereof, and shall not be responsible for the acts of the other party and the results thereof. Each party therefore, agrees that it will assume all risk and liability to itself, its agents, or its employees for any injury to persons or property resulting in any manner from the conduct of its own operations, and the operations of its agents or employees under this agreement, and for any loss, cost damage, or expense resulting at any time from any and all causes due to any act or acts, negligence, or failure to exercise proper precautions, of or by itself or its own agents or its own employees, while occupying or visiting the premises under and pursuant to the agreement.

III. MISCELLANEOUS CONDITIONS

1. Annually, prior to the initiation of fire season, each respective party will develop a list of priority prescribed burn projects, and distribute this to the other party.
2. Each party shall be responsible for the training of their respective prescribed fire personnel.
3. This Agreement will be effective from signature date by both parties and will continue in effect indefinitely. The Agreement may be amended as needed. The Agreement may be terminated by either party thirty days following written notification to the other party

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates shown below.

The Nature Conservancy

By: _____
Name: Dennis McGrath, Director
Date: _____

The Department of Natural Resources

By: _____
Name: Larry D. Macklin, Director
Date: _____