

## PREScribed BURN AGREEMENT

**THIS AGREEMENT** ("Agreement") is entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by and between:

**THE NATURE CONSERVANCY**, a nonprofit corporation organized under the laws of the District of Columbia, having its principal office at 4245 North Fairfax Drive, Arlington, Virginia, 2203-1606, and maintaining a Pennsylvania Field Office at 2101 North Front Street, Building 1, Suite 200, Harrisburg, PA 17110 (the "Conservancy")

**AND**

**BETHLEHEM AUTHORITY**, a municipal authority organized and existing under the Commonwealth of Pennsylvania, ("The Authority").

### WITNESSETH

**WHEREAS**, the parties have agreed that the Conservancy shall conduct prescribed burns on certain property owned by the Authority and located in the County of Monroe, Commonwealth of Pennsylvania, as more particularly described on the map as Exhibit A; and

**WHEREAS**, the parties have agreed that the prescribed burn shall be conducted in accordance with the Pennsylvania Prescribed Burning Act (Act 17 of 2009) (the "Act"); and

**WHEREAS**, the parties intend that this Agreement set forth their understanding with respect to permissions and liabilities associated with said prescribed burn.

**NOW THEREFORE**, In consideration of the mutual covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties agree as follows:

- 1) The Authority hereby acknowledges receipt of the attached form entitled, "Important Information for Landowners About Risks from Prescribed Burn Activities;"
- 2) The Authority grants permission to the Conservancy, its agents, and employees to enter that portion of the Property for the purpose of planning, conducting and monitoring a prescribed burn. This permission shall be effective from the date listed above through December 31, 2025.
- 3) The Conservancy hereby agrees to conduct all phases of said prescribed burn in accordance with the Act and that Patrick McElhenny, TNC PADE Director of Stewardship, and Jennifer Case, TNC PADE Fire Manager are both qualified "Prescribed Burn Managers" as defined by the Act.
- 4) The Conservancy hereby agrees to indemnify the Authority and hold them harmless against any loss or damage from any claim arising out of damage to personal or real property arising out of the prescribed burn to the extent that the Authority is not otherwise protected by provisions of the Act.
- 5) The Conservancy hereby agrees to conduct the prescribed burn: a) in accordance with all applicable laws and all Conservancy policies and standard operating procedures; and b) may terminate this agreement if it determines at any time that it cannot engage in such activities in accordance with Paragraph 5(a) above.

IN WITNESS WHEREOF, the parties have executed and sealed this agreement the day and year first above written.

Witness:

THE BETHLEHEM AUTHORITY

By: Steve Repasch

Its: Executive Director

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Witness:

THE NATURE CONSERVANCY

By: Keith Fisher

Its: Director of Conservation

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IMPORTANT INFORMATION FOR LANDOWNERS  
ABOUT RISKS OF PRESCRIBED BURN ACTIVITIES

Before agreeing to allow your property to be burned as part of a prescribed burn, you should be aware of the risks and hazards associated with fire and smoke.

Fire Hazards

Although the Conservancy rigorously trains all staff involved in prescribed burns and has equipment on site to suppress an escaped fire should it occur, unexpected and unpredictable weather conditions or human error may nonetheless result in a fire escaping control. An escaped fire can result in loss of structures ranging from deer stands or fence posts to much larger structures. In the worst case scenario, an escaped fire may result in the loss of life, particularly if someone tries to fight an escaped fire without training and proper protective gear. You are not expected to, and should never assist in fighting an escaped fire unless you have been properly trained.

Smoke Hazards

Hazards from smoke include both health hazards and risk of property damage, as detailed below.

**Health Risks:** The amount of smoke you may be exposed to from a prescribed burn is unlikely to cause any health problem unless you have a pulmonary disease that makes you extremely sensitive, such as asthma. However, you should be aware that:

- If you are a healthy person, smoke can irritate your eyes, nose and throat, and may cause headaches;
- Children, older adults, and smokers need to take extra care to avoid breathing smoke; and
- People with heart disease or asthma and other lung diseases also need to take extra care to avoid breathing smoke; for those with such conditions, breathing smoke can also cause coughing, wheezing, chest pain and/or shortness of breath.

You may not have these symptoms until several days after you breathe the smoke. If you breathe smoke and you have symptoms associated with any pre-existing conditions that do not respond to your usual recommended medications, see your health care provider immediately.

In addition to your physical health, smoke from wildfires can reduce visibility on roads, creating safety hazards. You may need to take an alternate route, or wait for smoke to subside, before driving in an area affected by smoke. Also pay close attention to any fire personnel directing traffic in the area.

**Property Damage:** Smoke can permeate many surfaces and cause odor and possible discoloration. If windows are left open, smoke odor may get into a home and cling to draperies or upholstered furniture for several days or weeks. You can avoid smoke damage to property by closing all windows and doors for as long as smoke is present and by not having laundry on a clothesline.

**Landscape Prescribed Fire Partnership (Long Pond, Pennsylvania)**

Controlled Burn Areas (Completed)

PGC State Game Land

Bethlehem Water Authority

The Nature Conservancy

Wildlands Conservancy

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