

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 20 FOREST MANAGEMENT
PART 5 PRESCRIBED BURN MANAGER CERTIFICATION PROGRAM

19.20.5.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department, Forestry Division.
[19.20.5.1 NMAC – N, 6/13/2023]

19.20.5.2 SCOPE: 19.20.5 NMAC applies to applicants for prescribed burn manager certification and individuals who are certified as prescribed burn managers pursuant to the Prescribed Burning Act, Sections 68-5-1 to 68-5-8 NMSA 1978.
[19.20.5.2 NMAC – N, 6/13/2023]

19.20.5.3 STATUTORY AUTHORITY: 19.20.5 NMAC is adopted pursuant to the Prescribed Burning Act, Section 68-5-7 NMSA 1978 and Subsection E of Section 9-1-5 NMSA 1978.
[19.20.5.3 – N, 6/13/2023]

19.20.5.4 DURATION: Permanent.
[19.20.5.4 NMAC - N, 6/13/2023]

19.20.5.5 EFFECTIVE DATE: June 13, 2023, unless a later date is cited at the end of a section.
[19.20.5.5 NMAC – N, 6/13/2023]

19.20.5.6 OBJECTIVE: To create a prescribed burn manager certification program for private lands in New Mexico.
[19.20.5.6 NMAC – N, 6/13/2023]

19.20.5.7 DEFINITIONS: For additional definitions refer to Section 68-5-2 NMSA 1978.

- A. “Act”** means the Prescribed Burning Act, Sections 68-5-1 to 68-5-8 NMSA 1978.
- B. “Broadcast burning”** means an activity where fire is applied generally to most or all of an area with well-defined boundaries.
- C. “Broadcast burn manager”** means the person acting as the prescribed burn manager with responsibility for ensuring all local and state required permits are secured, ensuring the burn plan is written and sufficient for the prescribed burn, coordinating fire resources and equipment, monitoring weather conditions and notifications and directing the implementation of the broadcast burn.
- D. “Committee”** means a committee established pursuant to 19.20.5.13 NMAC to review applications for prescribed burn manager certification; provide oversight of the development and updating of training modules, refresher courses and recertification; and cross-walk the training modules with other training and experiences.
- E. “Council”** means the New Mexico prescribed fire council.
- F. “Course”** means an online or in-person learning experience taught by the cooperative extension service, division, contractor or other persons.
- G. “Curriculum”** means the minimum topics to be covered in a course.
- H. “National wildfire coordinating group (NWCG)”** means the organization of member agencies and organizations that provides national leadership to establish interagency wildland fire operations standards including qualification requirements for prescribed burning on federal lands.
- I. “Nine-element course”** means training that covers legal requirements, safety, weather, fire behavior, smoke management, prescribed burn techniques, public relations, planning and contingencies as specified in Subsection A of Section 68-5-7 NMSA 1978.
- J. “Pile burn manager”** means the person acting as the prescribed burn manager with responsibility for ensuring all local and state required permitting is secured, coordinating fire resources and equipment, monitoring weather conditions and notifications and directing the implementation of the pile burn. Specifically, it means a burn of piles conducted with sufficient moisture or other limiting factor such as bare mineral soil to prevent the spread of fire between piles.
- K. “Fire management”** means all activities for the management of wildland fires to meet land management objectives. Fire management includes the entire scope of activities from planning, prevention, fuels or vegetation modification, prescribed fire, hazard mitigation, fire response, rehabilitation, monitoring and evaluation.

L. “Proficiency workbook” means a tool to provide an observable, measurable and standardized means to evaluate and document proficiency for the distinct attributes of a pile or broadcast burn manager. Each proficiency workbook shall be approved by the division, made available in all its offices and on its website and will have evaluation elements with accompanying signatures for demonstrating proficiency.
[19.20.5.7 NMAC – N, 6/13/2023]

19.20.5.8 LEVELS OF PRESCRIBED BURN MANAGER CERTIFICATION: The two levels of certification for prescribed burn managers from lowest to highest shall be:

- A.** certified pile burn manager; and
- B.** certified broadcast burn manager.

[19.20.5.8 NMAC – N, 6/13/2023]

19.20.5.9 REQUIREMENTS FOR PILE BURN MANAGER CERTIFICATION:

A. Individuals shall successfully complete the following requirements before applying for pile burn manager certification, unless receiving waivers or reciprocity pursuant to Subsections B or C of 19.20.5.9 NMAC. Individuals shall successfully complete the requirement in Paragraph (2) of Subsection A of 19.20.5.9 NMAC, before applying for pile burn manager certification if receiving a partial waiver pursuant to Subsection D of 19.20.5.9 NMAC.

(1) Prior to beginning the proficiency requirement in Paragraph (3) of Subsection A of 19.20.5.9 NMAC, individuals may complete the NWCG S-110 basic wildland fire orientation (15 minutes online) or other substitute orientation approved by the division. Any supplemental materials, such as videos the division may develop, or substitute orientation, will be made available and posted on the division’s website.

(2) Individuals shall complete (passing score of seventy percent or better) the nine-element course, which may be an online or in-person training course.

(3) Individuals shall successfully complete the proficiency requirement, which consists of burning experience in the role of pile burn manager, which shall include demonstration of general knowledge of fire behavior, weather, holding, fire techniques, control lines, smoke management, firing devices, tools and equipment. Successful demonstration of those elements shall be documented in a division approved proficiency workbook. The burning experience must be documented in the proficiency workbook by

- (a) a pile burn manager certified pursuant to 19.20.5.9 NMAC;
- (b) division personnel; or
- (c) an individual with at least NWCG prescribed burn boss type 3 qualifications.

B. Upon satisfactory review of their qualification documents by the committee, the division may grant pile burn manager certification by waiver to individuals with the following qualifications:

(1) NWCG qualifications for single resource boss or above that are current or have lapsed within the past five years; or

(2) a nationally recognized structural firefighter I in accordance with national fire protection association (NFPA) 1001 with wildland fire training or experience that includes at least S-190 wildland fire behavior or NFPA equivalencies; and

(3) completion (passing score of seventy percent or better) of the following modules from the nine-element course specified in Subsection A of 19.20.5.11 NMAC: legal requirements, smoke management and permitting.

C. Reciprocity.

(1) The division may conduct a review of another state’s certified prescribed burn manager program and post a list of states that the division grants reciprocity for pile burn manager certification on the division’s website. Applicants from a state for which the division has granted reciprocity shall provide proof of a current certification in a reciprocity state. Applicants from a state for which the division has granted reciprocity shall complete (passing score of seventy percent or better) the following modules from the nine-element course specified in Subsection A of 19.20.5.11 NMAC: legal requirements, smoke management and permitting.

(2) The committee shall determine whether an applicant who is not certified in a state on the reciprocity list qualifies for reciprocity based on proof of certification in that other state and successful completion of course work, field experience, proficiency requirements or other requirements that state requires for certification. An applicant for reciprocity of pile burn manager certification issued in another state not on the reciprocity list shall

- (a) complete (passing score of seventy percent or better) the nine-element course;
- (b) provide proof of certification in the other state; and

(c) provide proof of successful completion of the course work, field experience, proficiency requirements or other requirements that state requires for certification.

D. An individual who has prior prescribed burn manager experience, but who is not certified in another state as a prescribed burn manager, who does not possess NWCG qualifications for single resource boss or above that are current or have lapsed within the past five years or who is not qualified as a nationally recognized structural firefighter I in accordance with national fire protection association (NFPA) 1001 with wildland fire training or experience that includes at least S-190 wildland fire behavior or NFPA equivalencies, may apply for a waiver of the proficiency requirement in Paragraph (3) of Subsection A of 19.20.5.9 NMAC.

(1) An applicant shall provide a letter or other written documentation from a pile or broadcast burn manager certified pursuant to 19.20.5 NMAC, an individual with at least NWCG prescribed burn boss type 3 qualifications or a certified prescribed burn manager from another state on the division reciprocity list attesting they have observed the applicant conducting pile burns as a pile burn manager and the applicant has satisfactorily conducted pile burns as a pile burn manager and demonstrated the proficiency requirement in Paragraph (3) of Subsection A of 19.20.5.9 NMAC.

(2) The committee shall review the documentation of the applicant's prescribed burn manager experience to determine if the applicant meets the proficiency requirement in Paragraph (3) of Subsection A of 19.20.5.9 NMAC. If the committee determines the applicant's prior experience meets the proficiency requirement in Paragraph (3) of Subsection A of 19.20.5.9 NMAC, the division shall waive the proficiency requirement in Paragraph (3) of Subsection A of 19.20.5.9 NMAC and the requirements in Paragraph (1) of Subsection A of 19.20.5.9 NMAC. Applicants seeking a partial waiver under Subsection D of 19.20.5.9 NMAC shall complete (passing score of seventy percent or better) the nine-element course.

E. The renewal of pile burn manager certification is required every five years with completion of a division approved refresher course (not to exceed eight hours) that is available online. Certified pile burn managers shall provide documentation they have taken the refresher course to the division. If they fail to take the refresher course or to provide proof to the division, the division shall suspend their certification and provide written notification.

F. To obtain recertification after the division has suspended their certification, individuals shall take a refresher course and conduct at least one day of supervised burning by a pile or broadcast burn manager certified pursuant to 19.20.5 NMAC, division personnel or an individual with at least NWCG prescribed burn boss type 3 qualifications. Individuals seeking recertification shall provide documentation the individual has completed both requirements to the division.

[19.20.5.9 NMAC – N, 6/13/2023]

19.20.5.10 REQUIREMENTS FOR BROADCAST BURN MANAGER CERTIFICATION:

A. Individuals shall successfully complete the following requirements before applying for broadcast burn manager certification, unless receiving waivers or reciprocity pursuant Subsections B or C of 19.20.5.10 NMAC.

(1) Individuals, including those who have completed the training for pile burn manager certification, shall successfully complete the following prior to beginning the proficiency requirements in Paragraph (3) of Subsection A of 19.20.5.10 NMAC:

(a) NWCG S-190 wildland fire behavior (eight hours) or a division approved substitute course;

(b) NWCG S-290 intermediate fire behavior (32 hours) or a division approved substitute course; and

(c) burn plan writing course approved by the division.

(2) Individuals shall complete (passing score of seventy percent or better) the nine-element course. Individuals who have previously completed the training for pile burn manager certification do not need to retake the nine-element course.

(3) Individuals shall successfully complete the proficiency requirement, which consists of burning experience in the role of broadcast burn manager, running a firing operation, managing smoke and managing a holding operation. Documentation of burning experience shall be in a division approved proficiency workbook. Documentation of burning experience in the specified roles shall also include demonstration of intermediate knowledge of fire behavior, weather, burn plan review, firing techniques, firing devices, holding, control lines, smoke management, tools and equipment and procedures in the event of an escape. Successful demonstration of those elements shall be documented in the applicant's proficiency workbook by

(a) a broadcast burn manager who is certified pursuant to 19.20.5 NMAC;

- (b) division personnel; or
- (c) an individual with at least NWCG prescribed burn boss type 2 qualifications.

B. The division may grant broadcast burn manager certification by waiver to individuals who possess NWCG burn boss type 1 or 2 qualifications with completion (passing score of seventy percent or better) of the following modules from the nine-element course: legal requirements, smoke management and permitting.

C. Reciprocity.

(1) The division may conduct a review of another state's certified broadcast burn manager program and post a list of states with reciprocity for broadcast burn certification on the division's website. Applicants from a state for which the division has granted reciprocity shall provide proof of a current certification in a reciprocity state in satisfaction of the certification requirements of 19.20.5.10 NMAC. Applicants from a state for which the division has granted reciprocity shall complete (passing score of seventy percent or better) the following modules from the nine-element course specified in Subsection A of 19.20.5.11 NMAC: legal requirements, smoke management and permitting.

(2) The committee shall determine whether an applicant who is certified in a state not on the reciprocity list qualifies for reciprocity based on proof of certification in that other state and successful completion of course work, field experience, proficiency requirements or other requirements that state requires for certification. The applicant for reciprocity of broadcast burn manager certification issued in another state not on the reciprocity list shall

- (a) complete (passing score of seventy percent or better) the nine-element course;
- (b) provide proof of certification in the other state; and
- (c) provide proof of successful completion of the course work, field experience,

proficiency requirements or other requirements that state requires for certification.

D. The renewal of broadcast burn manager certification is required every five years with completion of a division approved refresher course (not to exceed eight hours) that is available online. Certified broadcast burn managers shall provide documentation they have taken the refresher course to the division. If they fail to take the refresher course or provide documentation to the division, the division shall suspend their certification and provide written notification.

E. To obtain recertification of broadcast burn manager certification after the division has suspended their certification, individuals shall complete the refresher course and demonstrate one day of field proficiency experience with documentation provided by a broadcast burn manager who is certified pursuant to 19.20.5 NMAC, division personnel or an individual with at least NWCG prescribed burn boss type 2 qualifications. Individuals seeking recertification shall provide documentation the individual has completed both requirements to the division. [19.20.5.10 NMAC – N, 6/13/2023]

19.20.5.11 DEVELOPMENT OF TRAINING AND BURN PLAN WRITING AND REFRESHER CURRICULUMS AND COURSES:

A. Training modules approved by the division shall be provided by New Mexico state university, cooperative extension service to address at a minimum the first nine elements:

- (1) legal requirements;
- (2) safety;
- (3) weather;
- (4) fire behavior;
- (5) smoke management;
- (6) prescribed burn techniques;
- (7) public relations;
- (8) planning;
- (9) contingencies; and
- (10) other information specific to burning in New Mexico as determined necessary or

appropriate.

B. The division shall develop the burn plan writing curriculum and course or may substitute an equivalent NWCG course.

C. The division shall develop the pile burn manager certification refresher curriculum and course.

D. The division shall develop the broadcast burn manager certification refresher curriculum and course.

E. The division shall make available information about any division approved substitute courses on the division's website and in its offices.

F. The division shall post notice of prescribed burning opportunities on the division website and may provide other notifications such as posting in division offices. Organizations or entities may provide prescribed burning opportunities and may post opportunities by any means.
[19.20.5.11 NMAC – N, 6/13/2023]

19.20.5.12 APPLICATION FOR CERTIFICATION:

A. The division shall develop application forms for certification, which shall include the applicant's name, address, phone number, e-mail address, prescribed burning experience and training and the certification for which the individual is applying, and to document completion of certification requirements.

B. Applicants shall submit applications with proficiency workbooks, training certificates, letters of experience records and any other relevant materials to the division.

C. Review of applications for certification.

(1) Applicants shall submit completed documentation of courses and field experience to the division.

(2) The division shall provide the committee with applications to review.

(3) The committee shall document its decision to approve or deny certification and the documentation shall be available to the applicant upon request.

D. The division shall issue the certification to the applicant or notify the applicant in writing of the denial and specify the reasons for denial.

E. Applicants may appeal a certification denial in writing to the state forester within 30 days of the denial. Applicant shall provide a written response stating why the application should not have been denied. The state forester shall review the application and denial and the applicant's appeal and either provide a written decision upholding the denial or issue the requested certification.

[19.20.5.12 NMAC – N, 6/13/2023]

19.20.5.13 ESTABLISHMENT OF COMMITTEE:

A. The division shall establish a committee to review applications for prescribed burn manager certification and provide oversight of the development and updating of training modules, refresher courses and recertification and cross-walk the training modules with other training and experiences.

B. Members of the committee shall include one division employee appointed by the state forester, one non-governmental organization representative and one council member representative. Ad-hoc members may be added at the request of the committee or the state forester.

C. Terms for the non-governmental organization and council member shall be for two years.

D. Minimum qualifications to serve on the committee as a non-governmental organization representative or council member representative include two years' experience planning and implementing prescribed burns.

E. Committee members may be nominated by submitting a letter with a description of qualifications to the state forester. The division shall post notice when nominations for committee members are being taken on the division's website.

F. The state forester shall select and appoint the committee members and shall have the authority to remove committee members prior to the end of their terms or replace the division employee appointed to the committee at the state forester's sole discretion.

[19.20.5.13 NMAC – N, 6/13/2023]

19.20.5.14 FEES: [RESERVED]

HISTORY OF 19.20.5 NMAC:

Pre-NMAC History:

History of Repealed Material: [RESERVED]

Other History: