

From: [Robert Barber](#)
To: [Mason, Wendy, EMNRD](#)
Cc: [Ira Pearson](#); [Kenmore, Joe](#)
Subject: [EXTERNAL] Proposed rule 19.20.5, Prescribed Burn Manager Certification Program Comments
Date: Saturday, December 11, 2021 2:58:24 PM

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

The following comments are being submitted on behalf of Lincoln County and were approved by the Lincoln County Commissioners during the November Meeting.

The proposed rule 19.20.5, Prescribed Burn Manager Certification Program was developed to implement paragraph 68-5-7. Prescribed Burn Manager Certification. The proposed rule is vague and lacks critical information for managing and complying with this rule for obtaining burn manager certification. As such, publication of this rule should be delayed until the details can be worked out and added to the rule.

1. Basic details on "working level" administration of this program are missing from this rule and should be added prior to release of this rule. Such as:
 - a. Who is the "division face" for the public/customer?
 - b. Where are certification applications, waiver requests and appeals to be sent?
 - c. Who conducts the training and where can on-line training be found?
 - d. Who certifies administers certification and recertification training and tests?
 - e. Is there a format for the required "proficiency workbook"?
 - f. Who in the Division accepts and tracks waiver requests?
2. Article 5 mentions the application of fees, this rule should identify the costs/fees associated with the training and certification process.
3. The described waiver process outlined does not take account the length of a potential applicants the depth of one's experiences with prescribed burning.
4. Where can a list of reciprocity state (19.20.5.9.C. and 19.20.10.C.) be found?
5. If Burn Manager Certification is truly not required, what are the consequences of having one's certification suspended (19-20-5-9. E. and 19-20-5-10. D.) or denied (19-20-5-12. C.3.)?
6. This rule is vague on the issue of liability. If an individual is not certified IAW this rule, are this automatically determined to be "negligent" if a prescribed burn causes any unintended consequences and be held to twice the actual damages? Missing this critical information will affect an individual's decision on whether not to be certified or hire someone who is certified. Publication of this rule should be delayed until these details have been developed and included in

the rule.

Since private landowners are not required to obtain any level of burn manager certification and with extensive training and documentation requirements, the average landowner will not take advantage of this program. The opportunity to train individuals on safe, prescribing techniques will be lost. We suggest the State Forestry consider the development of a Prescribed Burn Education Program versus a Certification Program. Where the goal is to educate people on safely managing prescribed fires within their environment and experience. Certification could be one of the byproducts of an education program.

One general comment, scheduling the public meeting to start for the day and time comments are due is a foul. Lincoln County reserves the right to submit additional comments after the current due date/time if issues arise from the public meeting.

Robert Barber, Chairman
Lincoln County Land and Natural Resource Advisory Committee
C: 575-808-9814