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Subject: [EXTERNAL] Prescribed Burn Manager Certification Program comment
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New Mexico Cattle Growers' Association
2231 Rio Grande Blvd.
Albuquerque, NM 87194

December 11, 2021

Wendy Mason
New Mexico Forestry Division
Energy, Minerals and Natural Resources Department
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Dear New Mexico Forestry Division,

The New Mexico Cattle Growers' Association thanks you for the opportunity to comment on the proposed rule to implement a prescribed burn manager certification program under the state's new Prescribed Burning Act. On behalf of over 1200 NMCGA members, we are submitting these comments. Many of our members will be affected by this new rule when it becomes final and goes into effect. Initial enthusiasm for a prescribed burn program has given way to frustration over the loss of the original vision to create an expansion of prescribed burning on private land with clear benefits. We ask that two flaws within the Act be addressed; the stumbling blocks created by the certified prescribed burn manager requirements and punitive double damages, which no other state has written into prescribed fire policy.

Key in securing landowner support for the Prescribed Burning Act was the recommendation of a voluntary training and certification program. However, the proposed certification process is burdensome, logistically challenging and not reasonably accessible for private landowners. Ranchers must continually allocate resources of time and money and the proposed rule adds a burden as opposed to a benefit. Because uncertified landowners face punitive double damages and dire financial outcomes, this cannot be considered a voluntary training opportunity. By providing a waiver for low complexity burns, including pile burns, a number of landowners could continue using fire as they have for years without exposure to a double damages lawsuit. It is important to note that few if any farm and ranch policies in New Mexico cover prescribed burning and none cover double damages, which could expose agriculturists

across New Mexico to financial ruin.

The proposed certification program as currently written does not adequately consider real world scenarios faced by ranchers and landowners including the challenge of finding somebody to come to their property, accept liability for the burn, and sign off on the paperwork in a timely and cost efficient manner.

We appreciate the pledge that was made by Director McCarthy to revisit the Act in the next 60-day session, and we ask that her intention is upheld.

Respectfully,

Randell Major
President, New Mexico Cattle Growers' Association

Shelleen

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