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Sent: Wednesday, December 14, 2022 4:32 PM
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Subject: [EXTERNAL] Comments for Proposed Rule 19.20.5., Prescribed Burn Manager Certification Program

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When I review a proposed rule, I do it from the perspective of an “outsider” wanting to comply with the rule’s requirements. I expect the rule will contain all the information needed for compliance; applicants should not have to hunt all over the web for this information. This rule in its present form does not meet this expectation. While we support the intent of this rule, we cannot support its publication at this time. Specific comments are:

1. Section 68-5-7.D. Prescribed Burn Manager Certification of the Prescribed Burn Action states the proposed rule is not mandatory. But clearly states if an individual, who is not a certified burn manager (by this rule), is liable for double the damages. This is a significant point and needs to be stated in the rule.
2. Since this rule is not mandatory, the rule should state that “nothing in this rule supersedes or replaces any County/Municipality ordinances/rules for prescribed burning.”
3. The rule requires a “proficiency workbook” for all applicants. Nowhere in this rule does it say who (office or applicant) is responsible for initiating, approving and maintaining this workbook. This information is critical for compliance and needs to be added.
 - a. Where does an applicant find who can approve and sign off on the proficiency requirement? This is critical information is critical for compliance and needs to be added.
4. Training, how does that applicant find and sign up for the required training classes? This information is critical for compliance and needs to be added.
5. While the average landowner may have the resources, training and experience to manage and meet the challenges to safely burn piles. The average landowner does not always have the resources, training and experience to manage broadcast burn activities, and should be left to the “professionals”. Professionals being individuals who have recognized experience in broadcast burning activities. It is recommended the “Broadcast Burning Manager” Certification be removed from this rule and made into its own, stand-alone rule.
6. Section 68-5-7.C. Prescribed Burn Manager Certification of the Prescribed Burn Action states the division can charge applicants a fee. The rule has a section for fees but is silent. Who in the division is responsible for collecting this fee? This is critical information for compliance of this rule and needs to be added prior to publication.

Respectively Submitted,
Robert Barber, KG5MHM

Lincoln County Land and Natural Resource Advisory Committee
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