

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published _____

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐

Other _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

Phone Number

E-mail Address

Title

Date



Asa Hutchinson
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

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Wes Ward
Secretary of Agriculture

February 27, 2024

Honorable John Thurston
Arkansas Secretary of State
State Capitol, Suite 256
500 Woodlane Street
Little Rock, Arkansas 72201-1094

Enclosed is a Transmittal Sheet and a copy of a Final Rule.

- Prescribed Burning Rule

The rule was reviewed and approved by the Administrative Rules Subcommittee of the Arkansas Legislative Council on February 15, 2024, and the Arkansas Legislative Council on February 16, 2024.

If more information is needed, please contact me.

Sincerely,

Corey Seats
General Counsel

CS:ll

Enclosure

Qualified Prescribed Burner Rule

I. Eligibility for Qualification.

A. Initial Eligibility. Applicants may obtain qualification by satisfying the following requirements:

1. Attend the qualified prescribed burning training course provided by the Arkansas Department of Agriculture (Department), or the Arkansas Game and Fish Commission (AGFC), or their designees; and
2. Obtain a passing score on the qualified prescribed burning examination administered by the Department, the AGFC, or their designees.

B. Alternative Qualification methods. Applicants may obtain qualification through the following alternative methods:

1. Upon submission to the Department of proof of qualification or approval by another jurisdiction, applicants may be certified by the Department without further testing or training if the applicant's training and experience is substantially similar to experience and education required for qualification.
2. Upon submission to the Department proof of National Wildfire Coordinating Group training, the Department will consider whether the applicant's training and experience is substantially similar to experience and education required for qualification; and accept the applicant's training and experience in lieu of experience or education required for qualification if the Department determines the training and experience is a satisfactory substitute.
3. Individuals having completed the AGFC Learn to Burn I and II programs prior to the adoption of these rules shall be qualified once they have completed a supplemental training to be provided by the Department and the AGFC.
4. Completion of the Arkansas Prescribed Fire as a Management Tool Workshop shall be accepted as qualifications to become a Qualified Prescribed Burner.

II. Training courses.

- A. The Department, and the AGFC, or their designees will periodically provide the training required to become a qualified prescribed burner.
- B. The training course will be designed and agreed upon by the Department and the AGFC.

III. Maintaining Qualification

A. To maintain qualification, a qualified prescribed burner must:

1. Be in charge on site of at least one prescribed burn; and
2. Attend a refresher training every three years.

IV. Revocation of Qualification

A. Prescribed burner qualification may be revoked for:

1. Pleading guilty, entering a plea of nolo contendere, or being found guilty of a fire related crime, either misdemeanor or felony, based on the actions of the burner; or
2. A finding of negligence in a civil precoding as set forth in 15-30-104(b), on more than one occasion.

V. Review Committee

A. The Review Committee shall:

1. Review other states' requirements and determine if they satisfy the requirements to be recognized as a Qualified Prescribed Burner in the state;
2. Develop the qualified prescribed burner training course to be taught by both the Department and the AGFC.
3. Develop any other training described above; and
4. Be chaired by the person who serves as the Assistant State Forester for Protection of the Department of Agriculture's Forestry Division.

B. The Secretary of Agriculture and the Director of the AGFC, or their designees, shall each appoint two people to serve on the committee who are qualified prescribed burners.

VI. 100 Acre Tract Criteria

A. Non-qualified prescribed burners may burn one 100 acre (or less) forested tract per day under the guidance of a properly developed prescribed burn plan in accordance with Act 695.