

Title 15. Natural Resources and Economic Development

Chapter IV. Department of Agriculture

Subchapter A. Generally

Part 55. Qualified Prescribed Burner Rule

Subpart 1. Generally

15 CAR § 55-101. 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 Department of Agriculture, or the Arkansas State Game and Fish Commission, or their designees; and

(2) Obtain a passing score on the qualified prescribed burning examination administered by the department, the commission, 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 commission's Learn to Burn I and II programs prior to the adoption of this part shall be qualified once they have completed a supplemental training to be provided by the department and the commission; or

(4) Completion of the Arkansas Prescribed Fire as a Management Tool Workshop shall be accepted as qualifications to become a qualified prescribed burner.

Authority. Arkansas Code § 15-30-107.

15 CAR § 55-102. Training courses.

(a) The Department of Agriculture, and the Arkansas State Game and Fish Commission 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 commission.

Authority. Arkansas Code § 15-30-107.

15 CAR § 55-103. Maintaining qualification.

To maintain qualification, a qualified prescribed burner must:

- (1) Be in charge on site of at least one (1) prescribed burn; and
- (2) Attend a refresher training every three (3) years.

Authority. Arkansas Code § 15-30-107.

15 CAR § 55-104. Revocation of qualification.

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 proceeding as set forth in Arkansas Code § 15-30-104(b), on more than one (1) occasion.

Authority. Arkansas Code § 15-30-107.

15 CAR § 55-105. 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 of Agriculture and the Arkansas State Game and Fish Commission;
- (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 the Department Agriculture and the Director of the Arkansas State Game and Fish Commission, or their designees, shall each appoint two (2) people to serve on the committee who are qualified prescribed burners.

Authority. Arkansas Code § 15-30-107.

15 CAR § 55-106. 100-acre tract criteria.

Non-qualified prescribed burners may burn one (1) one hundred-acre or less forested tract per day under the guidance of a properly developed prescribed burn plan in accordance with Acts 2023, No. 695.

Authority. Arkansas Code § 15-30-107.