



Passing the Prescribed Burning Act HB57,

Prescribed Burning Act, sponsored by Rep. Matthew McQueen and Rep. Gail Armstrong, is based on the final report of the 2019 prescribed fire working group established by House Memorial 42 (2019 session). The working group found important relationships between liability, insurance, training, certification, permitting, and the use of prescribed burning. Building on this report, the Prescribed Burning Act will:

1. Define statutory liability for private landowners and other private practitioners who plan and use prescribed burning on private lands;
2. Establish a voluntary prescribed burning training and certification program for private landowners and contractors;
3. Create a model guideline for counties and municipalities to use when issuing prescribed burning permits, if they choose to adopt an ordinance requiring a permit; and
4. Establish that certified prescribed burn managers are liable for civil damages if they are negligent in starting, controlling, or extinguishing a prescribed burn, while non-certified burners will be liable for double civil damages.

FOR MORE INFORMATION:

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What is a prescribed burn?

A prescribed burn is the planned use of fire under specific conditions selected to promote safety and effectiveness. It helps protect communities, water sources, and wildlife habitat by reducing severe wildfires and improving forest health.



Why is prescribed burning needed on private lands?

Fire knows no property boundaries. While prescribed burning is frequently used on federal and state lands, its extent of use is low on private lands. In the past, forests and lands in New Mexico experienced frequent and low severity fires. Without these fires, brush and trees become dense, thereby creating an abundance of fuel. This build-up of fuel means when fire does return to the land, it can create catastrophic wildfires. Prescribed burning helps bring fire back to the landscape safely, which protects our forests, water, and economy.