

PENNSYLVANIA PRESCRIBED FIRE COUNCIL

Shannon Henry

Chair, Forest Program Manager, Department of Military and Veterans Affairs

MR. MARK MELVIN: Our next council update is going to be from Shannon Henry. He's the 2009 chair of the Pennsylvania Prescribed Fire Council. He's employed with the Department of Military and Veterans Affairs. I had the opportunity to go up to their first prescribed fire council meeting. Actually, it was a conference, and that's when I was first introduced to Shannon. And he's responsible for the single landowner doing the most burning in Pennsylvania, so he's going to talk about fire.

MR. HENRY: Thank you, Mark. I did not prepare a PowerPoint presentation for this. However, I thought I'd put our Web site up, www.paprescribedfire.org, mainly because I made a promise. Our logo in the upper left there was developed through a contest of college students at our first conference. It's a little keystone with a fire in it. I made a promise to some people that we'd put that up every chance we got, so there it is.

We were established in 2007. There was a little bit of a movement or a murmuring of some of the burn practitioners and some people interested in becoming practitioners in the state to try to coordinate some of our efforts to make Pennsylvania a little more fire friendly. I'm blessed to live in what is probably one of the more fire-restrictive states in the country at this point. We have what they call the Administrative Code of 1929, which governs a lot of things, some of which have been amended. But the fire laws for the state are in that code and have not been amended to date. Basically, to give you a feel for our role in Pennsylvania, when I took my job with the Pennsylvania National Guard, one of my tasks was basically to start a fire management program there for prescribed burning. I met with the local representative of the state forestry agency, whom I had previously worked for, and told them our mandate and that I needed to burn, and here is my plan for how I was going to do it. We're doing everything straight-up. And he said, "That's all well and good, but basically, in Pennsylvania, that might make the difference between you having a felony or a misdemeanor charge if this thing ever gets away from you." I said, "Gee, that's great." But we kept moving forward, and he and I came to some agreements that his agency may still not be aware of to this date. But we moved forward, and after 11 years of burning there, I'm still gainfully employed and still in a house and not in jail. But that's the climate that we had in Pennsylvania.

Now, I'd say, in less than a year's time, we've come full circle to where now the state forestry agency is sending some of their people to burn with me to get them some training and experience. They've been at the forefront of the push to actually develop some prescribed burning legislation for the Commonwealth, and that is going to be introduced on the floor this spring to give us some kind of liability relief based by amending that Admin Code of '29. At least we will no longer face criminal charges. It's still debatable about the civil charges. I don't think they'll ever be able to fully get rid

of that one, no matter what your language says, at least up there. When this legislation was in its young stages, one of the things we were butting heads initially about was that our state forestry agency, the Bureau of Forestry, was trying to go it alone to get this thing moving, and they quickly ran into a brick wall. It was an association of trial lawyers that told them, "We will fight this because of the potential limit to civil liability." So, fortunately, several things came together at the same time, probably somewhat accidentally. After they ran into that wall, some of the practitioners were trying to figure out how to make it a more fire-friendly state. In the budget crises that we were all facing, we were wondering how we can get to where we can share resources and accomplish more together. And that all came to a head in 2007, and the council got established. We had about 20 different agencies, organizations, NGOs, landowner groups, consulting foresters, all represented in our steering committee. We got together and put together some bylaws and got everything formalized. Right now we are not a nonprofit, and we're not pursuing that, because our government involvement is heavy enough to cause compromises for the state and federal employees involved, but we've made some pretty good strides.

While we were still young, we put together an effort for our first conference, which Mark [Melvin] attended and spoke to at, and it was good because we had the legislature send some representatives. They ended up sending some staffers there. And they got a good feel for how important is this issue of prescribed burning, that previously everybody thought didn't exist in Pennsylvania, mainly because we had over 200 people attend the conference. That spoke volumes to the legislature, that there's definitely a strong interest here and something needs to be done. Now we have legislation going to the floor with 26 legislators sponsoring it. It's very likely to pass. It has very good support from everybody. So, one of our big initiatives has been providing input on legislation and supporting legislation, not so much as a council, but as each organization or agency separately making their push, so we don't get into trouble with the whole lobbying part of it.

To date, out of that first conference in 2008, we ended up getting approximately 70 people who said they wanted to be actively involved in council activities as members, which, of course, is the workforce for us. We will put them into subcommittees and start moving things along. We've had very similar initiatives to what everybody else has had. One of our weak spots in Pennsylvania is the education effort. We're trying to get ahead of that with our Web site. That Web site is about four or five months old. We've taken over control of the maintenance on it. We had a contractor doing it and things weren't getting updated. So when I get back, actually next week, we're going to be getting together and updating a lot of information on the Web site.

We're hosting an annual meeting. Our plan is to do a conference like the one had before on maybe a three-year cycle and just have a smaller membership meeting annually, and we have that coming up in February. We had such good attendance at that conference, but it was a major effort for us. We charge dues for our membership, but somebody had the creative idea to extort it from the registration fees so we can force the federal and state agencies to be the backbone for most of our financial burden. So, the way we work right now, there is a \$10 membership fee as part of your conference registration or your annual meeting registration, and for us that looks like it's going to work pretty well. We've had enough money from that to run this next meeting.

We're also going to host an Rx-310, the fire effects course. That's one of our initiatives, to get some of the higher-level training opportunities in Pennsylvania. Historically our membership had to go out of state. This is the first Rx class I think they've had in Pennsylvania. It's a big step for us. If we can get that going and keep continuing to have some of the NWCG [National Wildfire Coordinating Group] higher-level training courses, it will be a pretty big feather in our cap as a council.

We're basically doing everything everybody else is doing. I'm sitting here listening to everybody's presentation, and I'm having this realization that we're all dealing with the same kinds of things, typically. We comment on the smoke issues and have provided input into that. We have our state air quality regulators on our steering committee, and we are working on similar things as everybody else. I don't know if there are people here from states that don't have councils, but the one thing that we really need to do as a group, I think, is push to our neighboring states that don't have councils, as Mark said, to try and help them see the value in having a council. Like I said, in less than 12 months, we've gone from where I could potentially go to jail to right now in this session to where I could be walking away with very limited liability for a burn, as long as I plan things correctly and have done everything properly. My agency would still bear some of that, but I would not have to go home and tell my wife that we're going to lose the house because we had a fire escape, or that I'm going to go to jail. That's a huge step.

I don't know how everybody else's state is, but we're a commonwealth, where the lowest form of government rules. And we've had a lot of people butting heads over the years. Then all of a sudden we're getting this consensus, and I would say it's almost a hundred percent due to the council being formed and facilitating communications. I would strongly encourage anybody that doesn't have a council to think about that because, although it's not a panacea, almost right away about 80 percent of our issues disappeared when we all got around a table and started talking. And we discovered a lot of people who wanted to burn and weren't burning who have gotten involved now, and we're hoping to open the door up for them to get some more fire on the ground through the council. But more importantly to our state forestry agency, we discovered some people who had

been actively burning that nobody knew about, because they were very small burns in isolated areas. These burners were concerned about what was going to happen to them. Now they're brought to the table as a partner and we're bringing everybody together. One of our initiatives that I'd like to see in the next couple of years is to put together some kind of prescribed fire training effort in Pennsylvania. A little training site would be ideal to get these other folks up to speed with some of the stuff you need to know to really do a prescribed fire properly and safely. Hopefully, a training location will drive some of that.

The way we're set up, you're vice-chair, and after your vice-chair term, you fall into chair for two years. So, hopefully, I'm going to be driving the council for another couple of years and maybe getting the thing going in the direction I would like to see. But we have some working groups, as we call them, or subcommittees, the same as most everybody else. We have an education effort going on. One of the things that we have been involved in is working with the Bureau of Forestry to name the standards to be eligible for relief under the new legislation, as the legislature has required them to do. They're not going to certify burners, and I personally still don't exactly understand how they're going to track who gets the relief and who doesn't if they're not certifying us. They're not going to issue permits or authorizations or anything like that for burns, but at least we have the opportunity to provide input on those standards. The initial approach was go NWCG standards all the way, and most of the burners in Pennsylvania couldn't meet that. We've been able to successfully soften them a little bit. We're not there yet, but at least the legislation doesn't stipulate what those standards are, so we can work on that issue after the legislation is passed.

That's pretty much it. We've gotten involved in just about every issue that everybody else has. Mark said I'm probably doing the greatest amount of burning in the state, and I'm only burning two to three thousand acres a year right now. Our goal might be about five thousand. You know, I come down South and burn with you guys, and it's pretty eye-opening for me to see the size of things you can do down here. We just don't have the ability up there, nor do we need to. Our ecosystem is not the same. But it's really a challenge. We don't have the fire legacies you have in the South. The right to burn isn't something that we've really approached much yet, but you don't want to bite off more than you can handle right away. We're just happy to try to get a little bit of acceptance for prescribed fire in Pennsylvania officially before we start tackling some of these other things. That's pretty much what I have. Thanks for having me.

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