

Meeting Minutes
Texas Prescribed Burn Board Meeting
September 17, 2015 at 1:00 pm
Texas Department of Agriculture
Stephen F. Austin Building
11th Floor Executive Conference Room

Board Members Present:

Randy Rivera
Kati Wooten
Rusty Ray
Rich Gray
Lynn Drawe
Justin Penick
Butch Taylor
JK Brite
Justin Dreibelbis

TDA Staff:

Christopher Gee
Stephen Dillon
Stuart Strnad

Advisory Board:

Ray Hinnant

Members of the Public:

Brian Treadwell
Jose Villarreal
Charles Tatton

The first item of business was the calling of the meeting of the Prescribed Burning Board (PBB) to order at approximately 1:00 p.m. by Chairman, Justin Penick, and recognizing that a quorum of members was found to be present.

The second and third item of business was Chairman Penick's opening remarks welcoming everyone to the meeting with general introductions of everyone including the introduction of Stuart Strnad, new Coordinator for Agriculture Commodity Boards and Producer Relations for the Texas Department of Agriculture (TDA), and Christopher Gee, Assistant General Counsel for TDA and newly assigned PBB attorney.

The fourth item of business was approval of the minutes of the previous Board meeting held in Austin, Texas on March 31, 2015. A motion was made and seconded; the board unanimously approved the minutes as presented.

The fifth item of business was the discussion and possible action on Essex/Bramlett insurance presented by Ray Hinnant. The board discussed forming a subcommittee to meet with the insurance company and gather additional information regarding insurance written on a per burn, rather than annual, basis. Dr. Drawe made a motion to form the **new Bramlett/Essex subcommittee** and Rooter Brite seconded; the motion passed unanimously. **Ray Hinnant, Randy Rivera and Justin Penick** volunteered for the subcommittee with future meeting date to be decided by the subcommittee.

The sixth item of business was establishing minimum insurance requirements for Prescribed Burning Organizations as required by Section 153.046(6) of the Natural Resources Code, which was by H.B. 2119, 84th Texas Legislature. Discussion confirmed that H.B. 2119 imposed all standards with exception to licensing of organizations, set insurance minimums with the burn manager taking all responsibilities including experience and training, but without board oversight. Rooter Brite motioned to accept limits of \$1,000,000 per occurrence and \$2,000,000 in the aggregate, Rusty Ray seconded and the motion passed.

The seventh item of business was discussion of a data base on prescribed burns as presented by Rich Gray of Texas Forest Service (TFS) and Stuart Strnad of Texas Department of Agriculture (TDA). The board discussed methods to collect aggregate regional data regarding the county where burns are conducted, the number of acres burned, and the number of escapes with claimable damage. Stuart Strnad commented that TDA did not have the resources at this time to build this type of data base. Rich Gray of the Texas Forest Service said that such a data base already exists at the Forest Service and with some modification, could capture and report the information sought by the board. The board noted that land owner privacy was important and that TDA-housed data becomes public information. A motion was made by Chairman Penick for TFS to manage the data base and for TDA to request each Certified and Insured Prescribed Burn Manager (CIPBM) to voluntarily report burn information annually. The motion was seconded by Rooter Brite and passed unanimously.

The eighth item of business was legislative updates and potential rule changes.

- Justin Dreibelbes of Texas Parks and Wildlife Department (TPWD) reported on the 84th Texas Legislature's H.B. 801, which requires the board to review and approve TPWD's "General Wild Land Fire Plan". Documentation was presented to the board and reviewed by members. Dr. Drawe moved that the plan be approved and Rich Gray seconded. The motion passed unanimously.
- Stephen Dillon of TDA presented proposed changes section 226.3 of the Texas Administrative Code. The board reviewed and approved the updated rule. Justin Dreibelbis noted that the word "or" in section 226.3 (a) (1) should be removed and replaced with "and" so that the meaning of the rule was not changed. Mr. Dillon acknowledged typographical error and indicated the error could be corrected through another rule proposal to be filed in the Texas Register. Rooter Brite moved to adopt

section 226.3 as presented and Dr. Drawe seconded, with the motion passing unanimously.

- The board discussed the general content of the rules and proposed to review them for program functionality. The board discussed potential clarification of sections pertaining to eco-regions, continuing fire training units, Lead Burn Instructor certification, etc. Randy Rivera motioned to form a **Rules Content Committee** and Rooter Brite seconded, with the motion passing unanimously. **Ms. Wooten, Ray Hinnant, Randy Rivera and Rich Gray** volunteered for the committee.

The ninth item of business was updates from the Texas Commission of Environmental Quality (TECQ) presented by TECQ representative Kati Wooten. Ms. Wooten stated that there were no rule changes or other initiatives at TECQ that would impact prescribed burning at this time.

The tenth item of business was an update and reappointment of Regional Coordinators for the board. Discussion covered the role of Regional Coordinators as contacts for training. Appointment should be based on one or any combination of eco-regions, individuals, agencies, etc. A motion was made, seconded and passed to form a subcommittee to discuss appointment of Regional Coordinators. Ray Hinnant, Rich Gray, Randy Rivera and Katie Wooten volunteered to be on the committee.

The eleventh item of business was an update by Ray Hinnant from the PBB Advisory Board. The PBB Advisory Board did not make quorum so there was no update or report to give to the Board. Mr. Hinnant recommended that the board reappoint the Advisory Board and lower the number of members to reduce quorum requirements. A motion was made by Dr. Drawe to dissolve the current PBB Advisory Board and to reappoint same with members and charges as determined by the board. Rooter Brite seconded the motion, which passed, with all in favor. The board formed an **Advisory Board Appointment Subcommittee** to make recommendations to the board regarding membership and duties for the Advisory Board. **Ray Hinnant and Justin Penick** volunteered for this subcommittee.

The twelfth item of business was an update on board vacancies for positions that need to be filled by landowner. Dr. Drawe noted that he would be resigning at the end of the meeting, leaving two vacancies on the board. Dr. Drawe recommended Charles Tatton and Arnold Saenz to the board and TDA for consideration. He stated that each of them would submit board applications to TDA for the Commissioner's consideration.

The thirteenth item of business was discussion and possible action on TDA's administration of the prescribed burning program, led by Stuart Strnad. Mr. Strnad began the discussion by updating the board on issues with licensing, Continuing Fire Training units (CFTs), CFT curriculum, Lead Burn Instructors, and Eco-Regions. Butch Taylor and Ray Hinnant stated that recommendations for CFT's and continuing education or training for Lead Burn Instructors had already been brought before the board. The board approved the recommendations, but no

documentation was thought to be in existence other than board minutes. Ray Hinnant and Justin Penick agreed to research the minutes to verify the board's approval of specific requirements for CFT's and continuing education and or training for Lead Burn Instructors. Eco-Regions, which were previously discussed at the meeting, will be reviewed by the rules subcommittee and will take into consideration the board's existing regional map. Discussion of licensing issues including recommendations for creating efficiencies in processing applications and possible improvements to the process of obtaining required documentation from CIPBMs at the time of renewal. Mr. Strnad agreed to provide additional information in renewal packets as a method of program outreach.

Chairman Penick opened up the meeting for public comment but received none.

The board honored Dr. Drawe by having Chairman Penick present him a certificate to show sincere appreciation for his dedicated 15 years of service to the board and the State of Texas.

The board then took action to set the date of the next meeting to be held at TDA's headquarters in Austin. The board unanimously passed a motion to set the meeting in January 2016 at a date and time determined by a poll of the board members.

Upon motion and second, the meeting was adjourned.

Agenda items for next meeting:

Report from Rich Gray regarding TFS database possibilities

Report on self-insurance and the Bramlett Insurance policy

Discussion on clarification of PBB training rules

Review of the process and requirements for approval of training courses conducted by Lead Burn Instructors

PBB Advisory Board and subcommittee updates