

Texas Prescribed Burning Board Minutes

Texas Forestry Association

Lufkin, Texas

Thursday, November 17, 2022

CALL TO ORDER

Pursuant to a notice posted on November 8, 2022, the Prescribed Burning Board meeting was called to order at 8am. by Chairman Justin Penick. The roll was answered as follows:

Present: Rich Gray, Justin Penick, Wayne Pfluger, Dr. Morgan Treadwell, Charles Tatton, Chris Schenck, Heather Brister, Dr. Nathan Gill, Mitch Conine

Absent: Dr. William Rogers

Online: Dale Smith, Perry Cervantes

With 9 members in attendance and 1 member absent, a quorum was present. Two members participated online.

Guests: Patrick Dudley (TDA), Miranda Robertazzi (TDA), Addie Stone (TDA), Brian Townsend (NRCS), Greg Pleasant (TPW), State Representative Trent Ashby.

The Chair called the meeting to order and welcomed all in attendance. Chairman Penick asked Patrick Dudley to swear in new board members. Patrick Dudley administered the oath to Mitch Conine from Texas State Soil and Water Conservation Board and Heather Brister from the Texas Commission on Environmental Quality.

Patrick Dudley advised the Board that Dr. William Rogers is stepping down from the board and a new board member will be selected prior to the next meeting. There is one private landowner seat open.

APPROVAL OF MINUTES

The Chair laid out the minutes from the August 4, 2022, board meeting held in Austin, Texas at the Lady Bird Wildflower center. Wayne Pfluger made a motion to accept the minutes as amended; the motion was seconded by Morgan Treadwell. The motion passed unanimously.

APPROVAL OF APPLICANTS

The Chair recognized Patrick Dudley to present the Board with any Certified and Insured Prescribed Burn Manager (CIPBM) and/or Lead Burn Instructor applications to be considered. Annalise Scoggin was first to be reviewed by the board. Charles Tatton made a motion to approve Annalise Scoggin. The motion was seconded by Rich Gray and passed unanimously. Next, Matt Lore's application was put before the board for approval. Mr. Lore's application included burn plans and after-action review plans, however, because of weather conditions was unable to complete his field day and standardized test. Chris Schenck motioned to approve Mr. Lore's application contingent upon completing the field component and passing the standardized test with a completed PBB-602 form. Wayne Pfluger seconded the motion. The motion passed unanimously.

DISCUSSION, REVIEW AND POSSIBLE ACTION REGARDING TRAINING CURRICULUM, EDUCATION AND CERTIFICATION OF CIPBMS.

Consideration was laid out by Chairman Penick for training and curriculum to be amended to include education and resources for a CIPBM in the case of a prescribed burn escaping and becoming a wildfire. Chairman Penick explained that it is important for a CIPBM to understand the steps in which he should follow if the unforeseen happens. He added, the curriculum could include an excerpt by an attorney and in addition to possibly include rules to coordinate with a Texas Agency on next steps to be more prepared. Chris Schenck added that there are education deficiencies with private landowners and how a CIPBM addresses the potential for escape and ramifications on liability. Morgan Treadwell is currently pursuing funding efforts to add four hours to her two-hour online A&M AgriLife course to fulfill the Continuing Fire Training for CIPBMs. The Board would like the curriculum on the next agenda to speak more about what can be done further.

FINAL DISCUSSION, REVIEW AND POSSIBLE ACTION ON RULE REVIEW OF TITLE 4, PART 13 OF THE TEXAS ADMINISTRATIVE CODE. 44.11

The board reviewed Title 4, Part 13 of the Texas Administrative Code; several edits were discussed. Chris Schenck, motioned to approve edits, Wayne Pfluger seconded the motion. The motion was approved unanimously. Wayne Pfluger made a motion to review edits with Dr. Gill, in which Dr. Gill seconded the motion to review the rules before publication, once legal has made the edits by the board. The motion passed unanimously.

Chairman Penick called a Recess at 10:10 am.

The board reconvened at 10:25 am. Quorum was present.

DISCUSSION AND REVIEW AND POSSIBLE ACTION ON PBB-600

The Board made several edits to PBB-600, application for lead burn instructor and will reconvene at next meeting with a draft to review.

DISCUSSION ON THE AVAILABILITY AND ALTERNATIVES OF INSURANCE AND INSURANCE REQUIREMENTS

Patrick Dudley reached out to Blake Walsh regarding insurance availability for CIPBM's that would provide additional underwriters covering prescribed burns. Dudley informed the board that the current economic conditions have tightened insurance companies' ability to look a providing policy's and has further limited any expansion of the availability prescribed burn policies. Patrick reached out to TDI to gain more of an understanding of what is available and is waiting for a memo with that information. Insurance discussion led to how the board goes forward on finding a solution with restrictive and expensive insurance.

TEXAS DEPARTMENT OF AGRICULTURE UPDATE

No further updates from the Texas Department of Agriculture.

TEXAS FOREST SERVICE UPDATE

No updates from the Texas Forest Service.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY UPDATE

No updates from Texas Commission on Environmental Quality.

TEXAS PARKS AND WILDLIFE UPDATE

No updates from Texas parks and Wildlife.

MEETING DISCUSSION AND AGENDA ITEMS FOR NEXT MEETING

Possible action on PBB-600, Schedule for Disciplinary Actions, Review County Judges letter.

PUBLIC COMMENT

The Chair opened the floor for public comment. TPW representative stressed concern that the public views prescribed burn negatively and if a CIPBM should go before the board if a prescribed burn escapes.

The Board discussed other business raised during the meeting to be placed on the next agenda. The consensus of the Board was to have the next meeting in Austin, Texas at the Stephan F. Austin Building at TDA in the 11th floor conference room on Thursday, February 9, 2023.

AJOURNMENT

With no additional business, Wayne Pfluger entertained a motion to adjourn until the next meeting. Hearing no objection, the meeting was adjourned at 12:27 pm.