

# Texas Prescribed Burning Board Minutes

Texas A&M Kingsville

Kingsville, Texas

Wednesday, February 23, 2022

## **CALL TO ORDER**

Pursuant to a notice posted on February 11, 2022, the Prescribed Burn Board meeting was called to order at 8:37 A.M. by Chairman Justin Penick. The roll was answered as follows:

**Present:** Rich Gray, Keith Sheedy, Dr. Nathan Gill, Justin Penick, Wayne Pfluger, Dr. William Rogers, Dr. Morgan Treadwell, Charles Tatton, Chris Schenck, Dale Smith, Perry Cervantes, John Foster

**Absent:** James “Rooter” Brite,

With members in attendance and members absent, a quorum was present.

**Guests:** Patrick Dudley (TDA), Miranda Robertazzi (TDA), Danielle Mitchell (TDA) Archie Stone, Bill Oats, Heath Starns, Jason Raines, Jason Whisler, Jeremiah Zastrow, Matthew O’Toole, Michael Covey, Michael Sessions, Mike Petter, Sam Jetton, Scott Mitchell, Joe Pfluger, William Andy McCrady, Blake Walsh.

---

The Chair opened with welcoming everyone to the meeting. The Chair then had the attendees introduce themselves.

## **APPROVAL OF MINUTES**

The Chair laid out the minutes from the June 24, 2021 Board meeting held in Clarendon, Texas for review. Dr. Morgan Treadwell made a motion to strike the sentence “*these changes include a Certified and Insured Prescribed Burn Manager is free of liability if they follow the rules according to the burn plan and burn outside of 300 feet.*” from the section of the minutes referring to HB 2004. Wayne Pfluger seconded the motion. The motion passed unanimously. Chris Schenck made a motion to

accept the minutes as amended, seconded by Wayne Pfluger. The motion passed unanimously.

### **APPROVAL OF APPLICANTS**

The Chair recognized Patrick Dudley to present the Board with any new Certified and Insured Prescribed Burn Manager (CIPBM) and/or Lead Burn Instructor applications being considered. Following review of the applicant seeking a CIPBM license from the Board, the applicants Bryan Vinson, Mike Bird, and Mark bird were approved by the Board to become CIPBMs.

John Todd Wood, a commercial CIPBM, applied to become a Lead Burn Instructor. Mr. Wood was approved on contingency of a criminal history evaluation an updated and current copy of his IQCS (Incident Qualifications and Certification System) certificate.

Dr. Nathan Gill made the motion to approve John T. Wood with the subsequent contingencies, which was seconded by Rich Gray. The motion was carried unanimously. The Board directed Patrick Dudley to approve the contingencies once fulfilled by the applicant.

Jason Granger was denied a Commercial CIPBM. Once Mr. Granger completes the after-action review and has completed a Texas CIPBM course and turns in training verification from Texas, he may apply again for the Boards approval to become a CIPBM.

### **Insurance update by Blake Walsh, Vice President- Insurance Center, Inc.**

Blake Walsh with Insurance Center, Inc. gave an insurance update regarding six insurance carries he is working with; all are interested in becoming a policy carrier for prescribed burners. He will continue to update the Board as it his work progresses.

**Rule amendments:** A motion was made by Dr. Morgan Treadwell to publish the amendments of the rules to Title 4, Part 13, Chapter 226 and 228 if there are no comments opposing the amendments. The motion was seconded by Dale Smith; the motion passed unanimously.

Patrick Dudley informed the Board of the upcoming rule reviews that are being done within the agency and the need for the Board to do a complete rule review in accordance with the Sunset Commission's report. The Board plans to review all rules at the next meeting.

The Board recessed at 10:03 am. and reconvened at 10:15 am. with quorum present.

## **Discussion and Possible Action on rule Review disciplinary actions on rules:**

The Board reviewed the Schedule of Disciplinary Actions. This task was given to the Board by the last Sunset Commission report. Throughout the review the Board determined that the Schedule of Disciplinary Actions were largely in order. All actions for failure to maintain insurance were ok. Actions for failure to provide proof of current insurance coverage were ok. Failure to provide a copy of CIBPM proof of insurance to a landowner's agent before conducting a burn cannot be changed because of statute requirements. CFT – At the initial violation there will be a temporary suspension of licenses, no fines

### **TDA UPDATE**

The Chair recognized Patrick Dudley to present the Board with the TDA update. Dudley presented the Board with the attendance report; everyone on the Board was currently in good standing. Dudley introduced Miranda Robertazzi interning for him for the prescribed burn program; he then gave an update on the current license holders for private and commercial CIBPMS. Dudley reminded the board that the Ethics commission deadline for the personal finance statements are on May 2<sup>nd</sup>, 2022.

### **TCEQ (Texas Commission on Environmental Quality) UPDATE**

Chairman Penick recognized Keith Sheedy with the Texas Commission on Environmental Quality to give the Board the TCEQ update. Sheedy updated the board of Responding to the comments from the sunset commission. Still working on the guidance documents for statute and bills that came out last session and hoping to get out by May 2022.

### **TFS (Texas Forest Service) UPDATE**

The Chair recognized Andy McCrady with the Texas Forest Service to give an update response and Prescribed burn Managing and emergency response. McCrady gave a report on findings from the Prescribed Fire Use Survey. Stating that 100,000 acres are being treated by Commercial CIBPMS. In addition to 15,000 by the Texas Fire Service, NRCS 10,000 - 15,000 acres burned. TFS is in the process of helping other organizations realize how to utilize CIPBMs and why it's important to do prescribed burning.

### **Texas Parks and Wildlife: TPW UPDATE**

Chris Shank discussed the Jan 18<sup>th</sup>, 2022, prescribed fire in Bastrop State Park by Texas Parks and Wildlife. The fire was declared a wildfire and local and state agency resources were activated. Fire was contained at 812 acres on Jan 22, 2022. TPW engaged a strategic pause from prescribed fires implication and requested an independent review Jan 24<sup>th</sup>, through an interagency review board on Jan 28<sup>th</sup>, 2022, by Florida, Georgia, South Carolina, and Oklahoma. They arrived in Texas and conducted an onsite review and hoping to have the review finalized by March 1.

### **MEETING DISCUSSION AND POSSIBLE ACTION**

Patrick Dudley discussed having a better relationship with County officials to make the public aware of CIPBM and their role. The next county officials meeting is on October 3-6, 2022. The Annual County Judges and Commissioners Convention will be held at the Lost Pines resort in Cedar Creek Texas. Board members and TDA wish to create a cover letter to educate the public and county officials about the role of a CIPBM. The board discussed changing and adding information to the PB-600 to revisit and review at the next meeting. The Board discussed that the document needs a place for DOB. The board raised awareness of the lack of CFT courses available to the CIPBM and a plan to have more in the future. The board also discussed if other state courses would qualify as CFTs for Texas CIPBM for TDA. Patrick Dudley is to draft a letter to the county judges for review at the next meeting.

---

The Board discussed other business raised during the meeting to be placed on the next agenda. Patrick Dudley will contact members of the Board prior to the next meeting to determine additional agenda items. The consensus of the Board was to hold the next meeting at the Lady Bird Johnson Wildflower Center in Austin Texas August 4, 2022.

The Chair then opened the floor for public comment. There was no public comment.

### **AJOURNMENT**

With no additional business, Chairman Penick entertained a motion to adjourn until the next meeting. Hearing no objection, the meeting was adjourned at 12:43 pm.