

Texas Prescribed Burning Board Minutes

Lady Bird Johnson Wildflower Center

Austin, Texas

Thursday, August 4, 2022

CALL TO ORDER

Pursuant to a notice posted on July 21, 2022, the Prescribed Burning Board meeting was called to order at 1:00 P.M. by Chairman Justin Penick. The roll was answered as follows:

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

Absent: Perry Cervantes, Nathan Gill

With 10 members in attendance and 2 members absent, a quorum was present.

Guests: Patrick Dudley (TDA), Miranda Robertazzi (TDA), Danielle Mitchell (TDA) Archie Stone, Bill Oats, Heath Starns, Matthew O'Toole, Michael Covey, Michael Sessions, Mike Petter, Scott Mitchell, Joe Pfluger, Andy McCrady.

The Chair opened with welcoming everyone to the meeting and thanked Matthew O'Toole for hosting the Prescribed Burning Board at the Lady Bird Johnson Wildflower Center. Matthew O'Toole welcomed the board to the Wildflower Center and gave the board a brief overview of his role at the Wildflower Center and its prescribed burning program. The Chair then had the attendees introduce themselves.

APPROVAL OF MINUTES

The Chair laid out the minutes from the February 24, 2022, Board meeting held in Kingsville, Texas for review. Wayne Pfluger made a motion to accept the minutes as amended, seconded by Charles Tatton. The motion passed unanimously.

BOARD VACANCY UPDATE

Patrick Dudley updated the board with the board's current vacancies. James "Rooter" Brite stepped down from the board leaving one landowner position currently vacant. The board briefly discussed nominating a potential board member and Chairman Penick recommended that anyone who knew of someone willing to serve on the board to bring them forward for nomination. Patrick Dudley reviewed the nomination and appointment process with the board.

APPROVAL OF APPLICANTS

The Chair recognized Patrick Dudley to present the Board with any Certified and Insured Prescribed Burn Manager (CIPBMs) and/or Lead Burn Instructor applications to be considered.

Wayne Pfluger made a motion to approve Jason Granger contingent upon Mr. Granger completing the field day component, the standardized test, and has turned in his training verification form (PBB 602). Morgan Treadwell seconded the motion. The motion passed unanimously.

Following review of the applicants seeking certification from the Board, Wayne Pfluger made a motion to approve Jason Kilpatrick as a CIPBM; the motion was seconded by Dale Smith. The motion passed unanimously. The Chair brought up Lucien Ball's application for consideration. Dr. Morgan Treadwell made a motion to approve Mr. Ball's application. The motion was seconded by Wayne Pfluger and passed unanimously.

Matt Lore's application was the next to be considered. Wayne Pfluger made the motion instructing Mr. Lore to return before the board to be reconsidered as a CIPBM. Mr. Lore would need to either level up to RXB2 or complete the CIPBM curriculum, the field component, complete and pass the standardized test, and turn in his training verification form (PBB 602) and PBB 607. Mr. Lore would also need to complete the burn application with two additional burn plans, and after action reviews for each. The motion was seconded by Dr. Morgan Treadwell; the motion passed unanimously.

Dr. Morgan Treadwell made a motion to deny Thomas McClelland's application based on the lack of materials included in his CIPBM application. Wayne Pfluger seconded the motion. The motion passed unanimously. Dr. Treadwell will follow up with Mr. McClelland to ensure he completes his documentation necessary to become a CIPBM and answers any questions he may have.

The Board recessed at 2:13 P.M.

The Board reconvened at 2:29 P.M. Quorum was present.

Insurance Update.

Chairman Penick and Patrick Dudley updated the board regarding a meeting they had with the Texas Department of Insurance (TDI).

Chairman Penick informed TDI of the insurance issues CIPBMs contend with and the difficulty CIPMs have getting insurance. Patrick Dudley will reach out to his contact with TDI and report back to the board.

Discussion, Review and Possible Action on Rule Review of Title 4, Part 13 of the Texas Administrative Code.

Chairman Penick and Patrick Dudley met at the end of June and reviewed the Prescribed Burning rules and made recommendations to the board. The board then reviewed the rules in their entirety. A motion was made by Chris Schenck for the rule changes to be drafted and a redline version of these changes be presented to the board at the next board meeting for final approval. The motion was seconded by Wayne Pfluger and passed unanimously.

Discussion and Possible Action on Criminal History Review

After board discussion, the board removed any time frame eligible to be reconsidered for a certification if convicted of certain felonies or misdemeanors but kept the ability for anyone to appeal to the board with regards to becoming a certified CIPBM; giving the board the ability to look at applicants on a case-by-case scenario. Dr. Morgan Treadwell made a motion to accept the Criminal History Review Guidelines as amended. Rich Gray seconded the motion. The motion passed unanimously.

Texas Department of Agriculture Update

Chairman Penick called on Patrick Dudley to give the board an update from TDA. Dudley informed the board of an upcoming County Judge Conference being held October 3-6, 2022 and presented the board with a rough draft of a letter meant for introducing the County Judges to the Prescribed Burning Board and indicate the rules and regulations governing prescribed burning in Texas. The board reviewed the rough draft and after brief discussion, Dr. Morgan Treadwell offered to assist in rewriting the letter with TDA staff.

Chairman Penick and Patrick Dudley gave an update to the board regarding the interim hearing held earlier in the summer by the Senate Committee on Natural Resources and Economic Development examining ways to reduce the risk of and destructive impact of wildfires. Monitor the role the Prescribed Burning Board plays in controlled burns. Recommend practices and improvements that public and private landowners may use to

reduce fire risks. The overall feeling of the hearing was positive towards prescribed burning in Texas and members were interested in ways to promote more prescribed fire in Texas safely.

Discussion, Review and Possible Action

With the boards consensus, Chairman Penick tabled Discussion, Review, and Possible action on PBB-600, and Schedule for Disciplinary Actions for a future meeting.

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

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 have a tour on November 16th and the meeting on November 17th.of 2022 in Lufkin, Texas.

AJOURNMENT

With no additional business, Wayne Pfluger entertained a motion to adjourn until the next meeting. Hearing no objection, the meeting was adjourned at 5:05 pm.