

Texas Prescribed Burning Board Minutes

Texas A & M Research Station – Sonora Station

Sonora, Texas

Friday, September 13, 2019

CALL TO ORDER

Pursuant to a notice posted on September 3, 2019, the Prescribed Burning Board (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, Dr. Nathan Gill, Justin Penick, Wayne Pfluger, Dr. William Rogers, Dr. Morgan Treadwell, Chris Schenck, Dale Scott, Dale Smith

Absent: James “Rooter” Brite, Rusty Ray

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

Guests: Patrick Dudley (TDA), Stephen Dillon (TDA), Alan Leonard (Sunset Commission), Robert Romig (Sunset Commission), Ray Hinnant (Advisory Board), Charles Tatton, William Andy McCrady (TFS), Heath Starns (TAMU AgriLife), Shane Beavers, Lewis Allen (Upper Llano Prescribed Burn Association), Sam Jetton (Upper Llano Prescribed Burn Association), Clayton Kenkicik, Lewis Scherer III (CIPBM), Andrew Bivins (TPFC), Wesley Evens (TPWD), Deanna Pfeffer (TPWD), Carol Baldwin (Kansas State University), Duane Lucia (USFWS), Butch Taylor.

The Chair opened with welcoming everyone to the meeting and had attendees introduce themselves. The Chair called on Patrick Dudley to swear in newly appointed Board members Keith Sheedy representing the Texas Commission on Environmental Quality and Dr. Nathan Gill representing Texas Tech. Sheedy and Gill were sworn in and welcomed to the Board.

APPROVAL OF MINUTES

The Chair laid out the minutes from the previous Board meeting (February 13, 2019) for review. Chris Schenck made a motion to approve the minutes as presented. Rich Gray seconded the motion; the motion prevailed 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 Jacob Bird, Philip Walker, and Russell Weatherly were approved contingent upon insurance confirmation. There were no applicants for Lead Burn Instructor.

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 then reviewed the absence policy with the Board for the benefit of the oncoming Board members.

Stephen Dillon gave a legislative update regarding HB 2053 which removed the Board's duties in regard to Prescribed Burn Associations and clarified liability rules to Certified and Insured Prescribed Burn Managers and those who assist burn managers. Dudley then indicated that the rule recommendations were still in the drafting process and should come out in the fall. Dr. Treadwell made a motion to allow the Chair to review the rule changes and speak on behalf of the Board if there are no changes in order for the rules to be published. Rich Gray seconded and the motion prevailed unanimously.

The Prescribed Burning Board is currently going under review by the Sunset Commission. Dudley informed the Board that the PBB Self-Evaluation Report had been turned in to the Sunset Commission in conjunction with the TDA Self-Evaluation Report and then introduced two guests from the Sunset Commission, Alan Leonard and Robert Romig. Robert gave brief remarks regarding the Sunset review procedure and looks forward to working with the Board during the process.

TCEQ UPDATE

The Chair recognized Keith Sheedy with TCEQ to present the Board with an update regarding possible rule changes to reduce the allowable wind speed required before burning is commenced under General Requirements for Allowable Outdoor Burning

Section 111.219 of Title 30, Part 1, Chapter 111, Subchapter B of the Texas Administrative Code. Sheedy indicated there would likely be a rule change in the future, but indicated he wanted to first organize stake holder meetings with the organizations affected by the potential change and with county fire marshals in order to see if the two groups can come to an agreement. Sheedy will keep the Board informed on the timeline as the project progresses.

TFS UPDATE

The Chair recognized Rich Gray with the Texas Forest Service to give an update on the new process of notification from Centralized Dispatch. Gray indicated TFS has moved to a centralized dispatch system and would like to change notification rules from having CIPBMs notifying TFS Regional Fire Coordinator, to notifying the TFS Central Dispatch Offices. The change will only be changing who CIPBMs notify and will simplify notification processes. Justin Penick made a motion to strike TFS Regional Fire Coordinator from rule and to leave TFS dispatch center/offices, Dr. Morgan Treadwell seconded the motion and the motion passed unanimously. Dr. Treadwell then made a motion to allow the rule to go in affect if no comments were made, Dale Smith seconded the motion and the motion prevailed.

TEXAS PRESCRIBED FIRE COUNCIL UPDATE

The Chair recognized Dr. Treadwell and Chris Schenk to give an update on the official Texas Prescribed Fire Council (TPFC) meeting held in August. By-Laws have been created for the TPFC and Board members have been elected representing the private landowner, different areas government, education, and Non- Government Organizations. Officers were elected and committees were created. Dr. Treadwell recognized TPFC member Andrew Bivins who indicated he would be present after the meeting if there were any questions regarding the TPFC.

MEETING DISCUSSION AND ACTION

The Chair recognized Dr. Morgan Treadwell to give the Board a report on the annual Lead Burn Instructor meeting held earlier in the morning. Dr. Treadwell indicated two Lead Burn Instructors Glen Gillman and Chip Rickman asked to be removed as Lead Burn Instructors. She indicated there were three absences in the 2018 and 2019 annual meeting. These Lead Burn Instructors will be removed from the Lead Burn Instructor list per rule.

The Lead Burn Instructors requested to add a new folder to the Google drive that would give them ability to submit new questions for the standardized test. The Lead Burn Instructors further requested for the Board to approve a committee of Lead Burn

Instructors or designees from the Board to be able to approve questions for the standardized test in between regularly scheduled Board meetings. After discussion, Chris Schenck made a motion to designate Vice-Chair Treadwell and Board Member Rich Gray as the designees to vet submitted questions for approval. The motion was seconded by Dr. Treadwell. The motion passed unanimously.

Dr. Treadwell continued with an excused absence request from Dr. Sandra Rideout-Hanzak, who did not attend the meeting based on performing a prescribed burn. The Lead Burn Instructors had accepted the excuse and requested the Board to approve the excuse. After thorough discussion it was determined by the Board that Lead Burn Instructors are held to a higher standard and should make every opportunity to attend the required annual Lead Burn Instructor meeting by phone or by physical attendance and felt “working” would not be an acceptable excuse. Chris Schenck made a motion to reject the petition to approve the excused absence. The motion was seconded by Wayne Pfluger and passed unanimously. Dr. Ride-Hanzak will have to re-apply to be re-instated as Lead Burn Instructor.

The Chair provided the Board an updated version of the PBB-601 form and presented the Board with copies of proposed changes. The Board reviewed the changes individually and after thorough discussion Dale Smith made the motion to accept the PBB-601 application changes with considered revisions made by the Board. Dr. Treadwell seconded the motion. The motion passed unanimously. A motion was made by Chris Schenk to make the new PBB-601 application active and live by January 1, 2020. The motion was seconded by Dale Smith and passed unanimously.

The Chair updated the Board on possible revisions for the PBB-600 Lead Burn Instructor application form. The Board indicated to continue revisions in the vein of the PBB-601 regarding experience and to possibly include items like examples of a syllabus or power point presentation. Chairman Penick will continue with revisions and bring an updated PBB-600 Lead Burn Instructor application to the following board meeting.

The chair recognized Patrick Dudley and Stephen Dillon to review the CIPBM complaint procedure. A rough draft copy of the complaint procedures, currently being revised, was given to the Board as a reference. Dillon briefly reviewed the Board of the process and reminded the Board that the Complaint process belongs to TDA, but the Board will be relied on for expertise. TDA will continue with redrafting the complaint procedure and keep the Board updated.

PBB ADVISORY BOARD

There were no updates from the Advisory Board, however Chairman Penick recommended the Advisory Board be tasked with an open question/invitation to what would increase burning in Texas, and also consider issues like burning safety, and increasing the number of burn mangers. Dr. Treadwell made a motion to approve Chairman Penick's recommendation and was seconded by Wayne Pfluger. The motion was passed unanimously.

The Board discussed other business raised during the meeting to be placed on the next agenda. Dudley will contact members of the Board prior to the next meeting to determine additional agenda items. The Board came to a consensus the next meeting should be held Tuesday, February 25, 2020 at the Texas Forestry Associations Headquarters in Lufkin, Texas at 9:00 am.

The Chair then opened the floor for public comment. The Board was thanked by members of the public for the services they provide as a Board and traveling to the other areas of Texas so more of the public can be involved.

AJOURNMENT

With no additional business, Chairman Penick entertained a motion to adjourn until the next meeting. A motion was made by Wayne Pfluger and seconded by Dale Scott; receiving no objection, the meeting was adjourned at 4:20 p.m.