

Texas Prescribed Burning Board Minutes

Texas State Soil and Water Conservation Board Offices

1497 Country View

Wednesday, November 07, 2018

CALL TO ORDER

Pursuant to a notice posted on October 25, 2018, the Prescribed Burning Board (Board) meeting was called to order at 1:05 P.M. by Chairman Justin Penick. The roll was answered as follows:

Present: James “Rooter” Brite, Rich Gray, Amancio Gutierrez, Matthew McEwen, Justin Penick, Rusty Ray, Dr. Morgan Treadwell, Chris Schenck, Dale Scott.

Absent: Frank Price, Dr. William Rogers, Arnolando Saenz, and Larry J. Doherty.

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

Guests: Patrick Dudley (TDA), Stephen Dillon (TDA), Heath Starns (AgriLife Research), Dr. Mort Kothmann (Prescribed Burning Board Advisory Board and PBAT), Brain Treadwell, Charles Tatton, William “Andy” McCrady (TFS), and Mark Moseley.

The Chair opened with welcoming everyone to the meeting and had attendees introduce themselves. The Chair called on Patrick Dudley to swear in incoming board member Matthew McEwen as the new representative for Texas Tech. Matthew McEwen was sworn in and welcomed to the Board.

APPROVAL OF MINUTES

The Chair laid out the minutes from the previous Board meeting (August 09, 2018) for review. Rusty Ray made a motion to approve the minutes as presented. Dale Scott seconded the motion; the motion prevailed unanimously.

BOARD PROCEDURES

The Chair recognized Patrick Dudley with TDA to present the amended draft of Board by-laws as recommended by the Board in the previous meeting. After brief review by the Board a motion was made by Dr. Morgan Treadwell to adopt the By-Laws as amended. Rooter Brite seconded the motion. 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 applicant Todd Wood was approved contingent upon insurance confirmation. Following review of the applicant seeking to become a Lead Burn Instructor, the applicant Dr. Darrel Murray, was denied approval of becoming a Lead Burn Instructor at this time. Dr. Murray was encouraged by the Board to complete the proper number of burns required to become a Lead Burn Instructor and to apply again.

TDA UPDATE

The Chair recognized Patrick Dudley to present the Board with the TDA update. Dudley presented the Board with the attendance report.

TCEQ UPDATE

The Chair recognized Amancio Gutierrez 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. Gutierrez stated TCEQ has tasked an internal and external working group with researching the topic before any potential rules go out for public comment. Gutierrez estimated it wouldn't be until late May before the public could comment and would keep the Board informed on the timeline as the project progresses.

MEETING DISCUSSION AND ACTION

The Chair recognized Patrick Dudley with TDA to give the Board an update on the rule change concerning the Notification Requirements Prior to Prescribed Burns Rule of Title 4, Part 13, Chapter 228.2 of the Texas Administrative Code. Chapter 228.2 currently requires CIPBMs to obtain written permission prior to burning, from the residents, owners, occupants or operators of structures containing sensitive receptors if they are located within 300 feet of and in the general direction downwind from the prescribed burn. During the August meeting, after lengthy discussion, the Board agreed

to change the rule requiring CIPBMs to provide written notification, prior to a burn, to the residents, owners, occupants or operators of structures containing sensitive receptors if they are located within 300 feet of and in the general direction downwind from the prescribed burn. Dudley stated the rule change had been prepared and was out for public comment. If there were no comments made the rule would be adopted as moved by the Board in the August meeting. At the time of the meeting there have been no comments on the rule change to Chapter 228.2.

The Chair recognized Dr. Morgan Treadwell and Matthew McEwen to give the Board an update on the Standardized Test Committee. Through working with the Lead Burn Instructors within the Committee, Dr. Treadwell and Mr. McEwen pulled together a draft examination they shared with the Board. There was a consensus by the Committee to build question banks by topic as provided in the Chapter 230.3, Part 13, Title 4 of the Texas Administrative Code. The test will be both multiple choice and true false questions chosen from the different question banks, which will be approved by the Board. The question bank is meant to be a living, organic document being revisited on an annual basis; however questions may be brought to the Board throughout the year to be approved and part of the question bank. Dr. Treadwell and Mr. McEwen will bring the Board a clean copy of the draft exam at the next meeting for the Board to review.

The Chair and Chris Schenck provided the Board an update on the review of the PBB-600 and PBB-601 forms and presented the Board with copies of possible changes. Through discussing form changes, Chairman Penick posed the question to the Board if it was time to review the need for ecoregions in the state of Texas. The Board agreed it would be a good time to discuss the necessity of ecoregions and requested it be placed on the agenda for the next meeting. The Board agreed through consensus that Chairman Penick and Chris Schenck were on the correct path in revising the PBB forms and ask they continue with the form review and provide the Board with an update on any changes at the next meeting. More changes will be determined after the Boards discussion regarding ecoregions.

The Chair recognized Dr. Morgan Treadwell to bring up and discuss with the Board creating a Prescribed Burning Council, which would encompass all representation of the Burning community including informational advisory roles for state agencies. The Prescribed Burning Council would be created for the purpose of promoting public and media education about the benefits of prescribed fire, protect the ability to use prescribed fire as a land management tool, develop expertise, promote research, training and safety, aid in developing policy and represent burners at all levels of government etc. After discussion it was determined while creating a Prescribed Burn Council is a worthwhile venture, the Prescribed Burning Board does not have statutory authority to create a Prescribed Burning Council. The Board encouraged private entities

to create a Prescribed Burning Council and looks forward to working with the council in the future.

PBB ADVISORY BOARD

The Chair recognized Dr. Mort Kothmann, member of the Prescribed Burning Board Advisory Board and representing Ray Hinnant, to update the Board on the charge given to the Advisory Board investigating possible discrepancies in Prescribed Burning rules and statutes. Dr. Kothmann presented the Board with the recommended changes. The Board thanked Dr. Kothmann for the work the Advisory Board did and concluded the Board will discuss the rule changes more thoroughly at the next meeting.

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 Wednesday, February 13, 2019 at the Texas Forestry Service Headquarters in College Station, Texas at 9:00 am.

The Chair then opened the floor for public comment. Dr. Mort Kothman addressed the Board regarding the possible changes on the PBB application forms. He stated he likes the ideas presented to change the applications and believes it will strengthen the process. The Board thanked Dr. Kothmann for his comments.

AJOURNMENT

With no additional business, Chairman Penick entertained a motion to adjourn until February. A motion was made by Rusty Ray and seconded by Matthew McEwen; receiving no objection, the meeting was adjourned at 4:01 p.m.