

Texas Prescribed Burning Board Minutes

JA Ranch

Clarendon, Texas

Thursday, June 24, 2021

CALL TO ORDER

Pursuant to a notice posted on June 14, 2021, the Prescribed Burning Board (Board) meeting was called to order at 8:15 A.M. by Chairman Justin Penick. The roll was answered as follows:

Present: James “Rooter” Brite, Rich Gray, Dr. Nathan Gill, Justin Penick, Charles Tatton, Chris Schenck, Dale Smith were physically present; Keith Sheedy, Dr. William Rogers, and Dr. Morgan Treadwell attended the meeting via conference call.

Absent: Rusty Ray, Wayne Pfluger, Perry Cervantes

With 10 members in attendance and 3 members absent, a quorum was present.

Guests: Patrick Dudley (TDA), Terry Franks (Senator Springer’s Office), Archie Stone (BFD), Bob Watson (BFD), Joe Koch (Randall County Fire), Jonathan Stevens (Potter County Fire), Richard Lake (Potter County Fire), Jonathan Mathers (Senator Springer’s Office).

The Chair opened with welcoming everyone to the meeting and thanked Dale Smith for hosting the meeting at the JA Ranch. The Chair then had the attendees introduce themselves.

APPROVAL OF MINUTES

The Chair laid out the minutes from the previous Board meeting (October 29, 2020) for review. James “Rooter” Brite made a motion to approve the minutes as corrected. Charles Tatton seconded the motion; the motion passed unanimously.

ELECTION OF OFFICERS

Rooter motioned to keep current officers in place for another term. The motion was seconded by Chris Schenck and the motion was passed unanimously. Justin Penick as Chair and Dr. Morgan Treadwell as Vice-Chair.

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 Kevin Bowman and Loyd Livingston. The motion to approve Kevin Bowman's application was made by Chris Schenck and seconded by Rooter; the motion passed unanimously. The motion to approve Loyd Livingstons application was made by Rooter and seconded by Rich Gray; the motion passed unanimously.

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 member and review for the Board.

The Board was updated with the 87th session. The Sunset Bill 703 passed, which now requires changes to the PBB-601 form to include a criminal history evaluation.

TCEQ UPDATE

The Chair recognized Charles Tatton to present the Board with an update regarding burn pits allowing volunteer fire department to be present. The TCEQ will inform Patrick Dudley if they open fire marshal discussion to the Board.

TFS UPDATE

The Chair recognized Rich Gray with the Texas Forest Service to give an update on people moving positions in the agency. With these changes in the agency, Rich believes nothing will change with regard to prescribed burning.

LEGISLATIVE UPDATE

The chair spoke on HB 2004 to the Board. HB 2004 issues change with liability on Certified and Insured Prescribed Burn Managers. 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. This bill was made to reduce the shutdown of burns due to complaints

The chairman recognized Chris Schenck to summarize HB 222 to the Board. HB 222 creates a limited liability cap for burn bosses. Landowners need to have the correct training and clarification when they burn on their land. Under certain circumstances a lawsuit could go back to the Lead Burn Instructor.

The chairman recognized Patrick Dudley to explain the Sunset Bill 703 to the Board. In SB 703, the Board is given rule making authority and establish reciprocal agreements with other states, waiving necessary prerequisites of those applicants that are in good standing in a particular state. SB 703 also requires a criminal background check must be performed for new applicants. This change to the application is scheduled to start September 1st.

MEETING DISCUSSION AND POSSIBLE ACTION

The chair laid out possible revisions to the forms pertaining to Certified and Insured Prescribed Burn Managers, PBB – 601. The Board discussed including a birth date and language at the end of the form to inform applicants of a criminal background check.

The chair brought the agenda item PBB Fee Structure to open discussion, the Board tabled the discussion and decided not to act on the fee structure.

The Board reviewed the schedule of Disciplinary Sanctions and decided to create a three-person subcommittee to further review sanctions. The three-person subcommittee includes Charles Tatton, Rich Gray, and Dr. Nathan Grill with Dr. Gill as the main point of contact. “Rooter” mentioned to create a three-person subcommittee to review disciplinary sanctions followed by a second from Chris Schenck; the motion passed unanimously.

The Board recessed at 10:02 A.M. for a break and reconvened at 10:22 A.M., quorum was still present.

The chair opened nominations for the appointment of a board member to Chair the Standardized Test Committee and become the Lead Burn Instructor Liaison. Dr. Nathan Gill was nominated. Chris Schenck made a motion to approve Dr. Nathan Gill. The

motion was seconded by “Rooter”, and the motion was passed unanimously. Patrick Dudley is to get Lead Burn Instructor contact information to Dr. Nathan Gill.

The Board discussed recommendations for Continuing Fire Training Activity and made it policy to only approve a CFT if approved by a Lead Burn Instructor. Dale Smith motioned for this to take place, Rich Gray seconded the motion and was passed unanimously.

Insurance Availability Recommendations opened the Board up to discussion. The Board addressed insurance availability recommendation issues and after discussion decided to continue working with a member of the insurance community to see if more policies could become available. Any other changes must come through statute.

The Chair then opened the floor for public comment. Night burning was discussed with Keith Sheedy giving industry how to get future changes. It was stated that night burning needs a scientific reason as to why to do it. Dr. Morgan Treadwell shared that there is a Great Plains Fire Summit in Nebraska on September 21-23.

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 September 13-16 at the King Ranch.

AJOURNMENT

With no additional business, Chairman Penick entertained a motion to adjourn until the next meeting. Seeing no objection, the meeting was adjourned at 12:00 P.M.