

Meeting Minutes
Texas Prescribed Burn Board Meeting
March 31, 2015 at 1:00 pm
Texas Department of Agriculture
Stephen F. Austin Building
11th Floor Executive Conference Room

Chairman Drawe called the meeting to order.

Board Members Present:

Randy Rivera

Kati Wooten

Brian Hays

Rusty Ray

Rich Gray

Justin Penick

Jose Villarreal

Lynn Drawe

Butch Taylor

JK Brite

Board Members Participating by Conference Call but not voting:

Robin Verble

Seth Pearson of the Texas Parks Wildlife Department attending for Justin Dreibelbis

TDA Staff:

Janet Fults

Jessica Escobar

Stephen Dillon

Advisory Board:

Ray Hinnant

Members of the Public:

Brian Treadwell

Dr. Drawe gave opening remarks on history and accomplishments of the PBB and expressed his appreciation for how the board has grown since it was started in December 1999. Texas has developed a leadership role in prescribed burning for other states to follow. Insurance availability will always be a challenge. With respect to any rule or legislation that has passed since the board's inception, the board has tried to be sure PBB had firm control over certified persons. Approximately 11-13 regional burn associations have been created. The board is made of 13 members, 5 private land owners, 7 governmental agencies. There is a Judge in Jim Wells County who needs to be recruited for the current open position.

Dr. Drawe officially stepped down from the Chair position but will remain on the board for one more year.

Dr. Drawe made a motion to nominate Justin Penick for the new Chair. The nominations were closed, seconded and passed unanimously. Justin Penick took over the Chair duties at this meeting.

- Seth Pearson announced that Justin Dreibelbis is the new board representative for the Texas Parks and Wildlife Department as the Director of Private Lands and Public Hunting Program. A letter from TPWD Director Carter Smith was presented that made the formal appointment.
- Kati Wooten introduced herself as the new representative from the Texas Commission on Environmental Quality (TECQ). She has been a part of Field Operations support section for 3 years and is replacing Ronnie Kramer on the board.
- The Texas Burn Manager Council is now represented by Jose Villarreal replacing Wayne Pfluger.

The minutes were reviewed, and minor changes were identified. A motion was made to accept the minutes as corrected, which was seconded and passed unanimously.

Two Prescribed Burn Lead Instructor applications were brought to attention of the board for approval. Applicants will be considered by the board unless the applicant requests certification between board meetings and then the Chair will review and decide whether to approve those

applications. Chairman Penick will need to have the board delegate authority to him to review and approve applications. A motion made by JK Brite for the board to delegate this authority to review, approve, or deny Lead Burn Instructors or Certified and Insured Burn Managers. The motion was seconded by Rusty Ray and passed unanimously. Brian Treadwell was present for consideration as a Lead Burn Instructor. Dr. Drawe recommended and moved that his application be approved. Butch Taylor seconded the motion. The motion passed unanimously. The application of Phillip Drawe was held by Chair for further review.

Butch Taylor: Certified Burn Database.

- Subcommittee met in December 2014 to discuss database development and details. John Weir at Oklahoma state has a web-based program to collect and store burn information. The database can be modified by the PBB for its purposes.
- Privacy for Texas burners and property owners is a concern. Information could be collected by the 5 ecoregions in the state. No personal information will be available – property owner or burner. Rich Gray of the Texas Forest Service (TFS) stated that, the only information that is made known to the public is whether a burn escaped and there is nothing to compare to that information. TFS collects notification information... basically just that a burn will occur. Notification is not required across the state. Information could be collected retroactively.
- Robin Verble: Would the county level be a more accurate level to report and is this going to be mandatory reporting? The concern by landowners is to keep information confidential, so that reporting at the regional level would provide more anonymity. The data collected would be available to agencies, the board, and researchers. The data would not be available to the general public. The board will need to talk to John Weir regarding details. John wants to compile burn information from Texas and other states.
- The Great Plains Fire Science Exchange has also expressed interest in developing this type of database. If the information is not maintained by the board it may be exempt from public disclosure. If it is held at Oklahoma State University, the data is subject to public information request.

- The board has the authority to require burners to report so it could get information from a third party if the board has an agreement with the third party to collect the data. Legal challenges could be raised at almost any level. Actuarial data is needed without a doubt.
- TFS data will be skewed towards East Texas because it is linked back to forest management and TCEQ. TFS only gets notified of burns in other regions if the burn manager is burning during a burn ban, so the information collected by TFS is not complete.
- There will have to have an agreement with the third party collecting the data outlining the terms of the agreement. Any data collected and received by the third party will be subject to public information requests. If the information is aggregated, and not reported on a personal or business level, the data it could still be useful and protect those individuals or organizations that want information kept private. Total, aggregated data or information is more valuable. TDA is not the best entity to collect this information due to technological and budgetary restraints.
- Currently, TDA does not have the resources available to collect or compile the type of data contemplated by the board. TFS could explore its database system, but the reporting of information to TFS would still be voluntary and outside of the data regularly reported for forestry purposes or silvicultural burns. TDA could provide TDA and the PBB with some preliminary data. Rich Gray will explore hosting capabilities with his agency TFS and communicate with the board on regarding his findings at the next regularly scheduled board meeting.

Amendments to 226.3 rule: “To be certified in an eco-region” needs to be removed. The sentence should read that “To be a certified and insured burn manager, an applicant must demonstrate the following minimum level of experience.....” There was no intent for training specific to each ecoregion. Dr. Taylor moved to accept the revision, which was seconded by Dr. Drawe and passed unanimously. The application for certification also will need to be changed.

Insurance for Certified and Insured Prescribed Burn Managers: The PBB subcommittee and the advisory board have recommended that TDA work on legislation to have some type of self-insurance. The Bramlett agency in Oklahoma is interested in insuring certified and insured burn

managers which would be helpful. The insurance is on a per burn basis with 2 million aggregate and 1 million for each occurrence for a \$250 premium with \$500 initial cost. This type of policy looks as though it could qualify. TDA legal will need to look this policy over. The issue is that TDA wouldn't be able to review the policy each time the burn manager wanted to burn. Additionally the law requires TDA to issue a certification, upon board approval, contingent upon receipt of qualifying insurance.

Agenda items for next meeting:

Report from Rich Gray of the TFS on database possibilities

Report on self-insurance and the Bramlett Insurance policy

Report on rule change to 4 TAC 226.3

Discussion on clarification of PBB training rules

Legislative updates

PBB Advisory board and subcommittee updates

The next meeting was set for July 09, 2015 at 1 p.m. at the J.W. Marriott in San Antonio in connection with the Texas Wildlife Association meeting. If possible, the Advisory Board will meet at 10:00 am on the same day and at the same location.

Meeting was adjourned.