

PRESCRIBED BURNING BOARD MEETING
Friday, May 29, 2012, 1:00 p.m.
Stephen F. Austin Bldg., Room 172
Austin, Texas

Board Members in Attendance:

Dr. Butch Taylor
Dr. Lynn Drawe
Linda Campbell
Dr. Charles Hart
Don Petty
Rusty Ray
Rich Gray

TDA Staff in Attendance:

Stephen Dillon
Lance Williams
Jessica Escobar

Board Members by Teleconference:

Dr. Ernest Fish

Guests:

Brian Treadwell
Ray Hinnant
Larry Joe Doherty
Dave Redden
Rooter Brite
Brian Wright
Matt O'Toole

The first item of business was the calling of the meeting to order at approximately 1:00 p.m. by Chairman, Dr. Lynn Drawe. A quorum of members was found to be present.

The second item of business was approval of the minutes of the previous Board meeting held in Austin, Texas on December 16, 2011. A motion was made and seconded; the board unanimously approved the minutes.

The third item of business was discussion and possible action on pending applications. Lance Williams reported there were no applications pending approval but one private application pending insurance approval from the City of Austin. Mr. Williams also updated the Board on the vacancies announcing that he hoped by the next meeting those vacancies will be filled, he also announced that Randy Rivera will be taking Mike McMurray's place on the Board as the TDA representative. Mr. Williams reported there were 68 total certified and insured burn managers, 25 commercial burn managers and 43 private burn managers. Mr. Williams informed the Board of Commercial Burn Manager Bob Watson's request to be approved in all 5 regions based on his firefighting experience as a fire chief in different terrains and conditions. The Board discussed the matter and decided Mr. Watson needed to provide more information on where he has burned, what

terrains and what different fuels he has experienced. The Board asked Mr. Williams to obtain that information from Mr. Watson and send to the Board for review and then send the Board's feedback to Chairman Drawe for a decision on Mr. Watson's request. Rich Gray asked to submit his application to be a Lead Burn Instructor. A motion was made and seconded to approve Mr. Gray's application, motion carried.

The fourth item of business was a report from Dr. Butch Taylor on wildfire fighting being considered for CFT credit. Dr. Taylor reported that he sought input from the other lead burn instructors and the result of a vote taken among the lead burn instructors was 8 against and 1 in favor of allowing wildfire fighting be considered for CFT credit. The concern was a burn manager's CFT credit requirement could be satisfied with just doing wildfire fighting or prescribed burns and no course training. Chairman Drawe recognized Brian Treadwell to address the Board regarding the matter. Mr. Treadwell explained that burn managers like himself do volunteer to fight wildfires and provide expertise in ways to fight a fire. He feels this action is also valuable in gaining further experience in dealing with fire and should be considered as CFT training. The Board agreed the issue should be researched further to see if a structure could be set up that would make it possible to give CFT credit for wildfire fighting. As a result, Chairman Drawe appointed a sub-committee consisting of Dr. Taylor, Linda Campbell, and Dr. Charles Hart to research the matter and report back to the Board its recommendations at the next meeting.

The fifth item regarded online education for CFT credit as addressed by Chairman Drawe, who brought it to the Board's attention that there is more and more information online and asked whether it should be considered for CFT credit. The Board agreed it should be researched to see if the content online matches content that would be received in the classroom and whether the classes were accredited. Chairman Drawe charged the newly appointed sub-committee to address this matter as well. Rich Gray was added to the sub-committee.

The sixth item was discussion of the proposal to create a third classification for prescribed burn managers, to be entitled Not-for-Profit Certified and Insured Prescribed Burn Manager. Chairman Drawe decided to move this item toward the end of the agenda pending Dolores Hibbs arrival to address the Board with an update.

The next item addressed was a report on the Texas Wildfire Prevention Task Force meeting presented by Chairman Drawe in which he expressed disappointment that at the end of the meeting no appointment of tasks were given and no mention of when the next meeting might be held. Chairman Drawe expressed concern on where the task force is headed.

Chairman Drawe then addressed the next item, a report on the Prescribed Burn Alliance of Texas (PBAT) meeting. Chairman Drawe recognized Larry Joe Dougherty, Dave Redden and Ray Hinnant with PBAT at the meeting. Chairman Drawe announced the policies and procedures for PBAT have been approved and the process of obtaining approval of 501c status is underway. According to Chairman Drawe the policies and

procedures have been written so that at least one insurance company is willing to insure PBAT. Currently there are 111 counties in the alliance.

The next item Chairman Drawe addressed was to request the sub-committee review burn plans from different agencies such as USDA-Natural Resource Conservation Service, Texas Forest Service, Texas Parks and Wildlife and the Nature Conservancy in an effort to develop a standardized burn plan. Chairman Drawe asked the different agencies represented to submit their burn plans to Mr. Williams who would then forward the plans to the sub-committee for review.

The tenth item on the agenda was an update on the Office of the Attorney General's (OAG) opinion regarding county government authority during a burn ban. Stephen Dillon presented the opinion to the Board explaining that this opinion helps TDA better clarify what powers a commissioners' court has during a burn ban. Mr. Dillon highlighted that the OAG opinion reaffirms commissioners' courts authority to adopt exemptions to allow certain types of burning, including prescribed burns, during a burn ban. However, the acceptance of this opinion by county attorneys, county judges and commissioners' courts remains to be seen. Dr. Taylor asked for confirmation that the opinion does not address the county judge's authority to issue an emergency burn ban prohibiting all outdoor burning, which Mr. Dillon confirmed was correct. The Board suggested an outreach effort be made to make sure the county governments are aware of the opinion.

Chairman Drawe then brought up item six which was rearranged from earlier in the meeting regarding the proposed amendment to create a third classification for prescribed burn managers, to be entitled Not-for-Profit Certified and Insured Prescribed Burn Manager. Mr. Dillon addressed comments received regarding this rule change explaining the first comment to amend 3(c)(v) was not needed in TDA's opinion. Other comments to amend 3(c)(v)(i) & (ii) would be substantive changes and require reposting in the Texas Register for another comment period. Mr. Dillon proposed TDA Legal division rework the language to address the comment amendments so that they are not considered substantive changes which would allow the rule to be adopted without reposting. In addition, Mr. Dillon proposed sending the adoption paperwork to Chairman Drawe for final review before submitting. A motion was made and seconded supporting Mr. Dillon's proposal, motion carried.

During public comment Ray Hinnant suggested trying to put together a CPBM organization to keep burn managers informed of upcoming events and rule changes, etc. Further discussion was brought up about reestablishing the advisory committee, as set in statute, which could include The Nature Conservancy, CPBM's, federal partners and other universities to give input to the Board. Chairman Drawe agreed on trying to set that advisory committee up.

The Board discussed potential meeting dates, Chairman Drawe suggested not meeting before September 1, 2012. The Board directed TDA to work with the chairman to schedule the next meeting. Upon motion and second, the meeting was adjourned.