

Meeting Minutes
Texas Prescribed Burn Board Meeting
July 14, 2016 at 1:00 pm
JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway San Antonio TX 78261

Board Members Present:

Larry J. Doherty

Kati Wooten

Justin Penick

Morgan Russell

Arnoldo Saenz

Justin Dreibelbis

Rusty Ray

TDA Staff:

Christopher Gee

Stephen Dillon

Advisory Board:

Ray Hinnant

Members of the Public:

Beryl Thatcher (TCEQ)

Brian Treadwell

Brian Robert

Chris Schenck

The **first** item of business was the calling of the meeting of the Prescribed Burning Board (PBB) to order at approximately 1:00 p.m. by Chairman Justin Penick, and recognizing that a quorum of members was present.

The **second** item of business was Chairman Penick's opening remarks welcoming everyone to the meeting, including general introductions.

The **third** item of business was approval of the minutes of the previous Board meeting held in San Angelo, Texas on April 14, 2016. A motion was made and seconded; the board unanimously approved the minutes as written.

The **fourth** item of business was a presentation made by Mr. Doherty for PBB discussion on his efforts to revitalize the Wildfire Prevention Task Force. PBB discussion followed and it was determined that Chapter 153 in the Natural Resource Code does not give any statutory authority for PBB to form a Wildfire Prevention Task Force and establish fire suppression standards. Due to PBB's lack of statutory authority, Chairman Penick closed the discussion and no action was taken.

The **fifth** item of business was a progress report on the Texas Forest Service (TFS) database for documenting prescribed burning in the state, but in the absence of board member Rich Gray, the report was tabled for the next quarterly board meeting.

The **sixth** item of business was the Texas Commission of Environmental Quality's (TCEQ) report, presented by Kati Wooten and Beryl Thatcher, on the petition received from the Texas Forestry Association (TFA) to revise TCEQ's Outdoor Burning regulation relating to prescribed burning. Ms. Thatcher, a Manager in the Office of Compliance and Enforcement for TCEQ, stated that recent stakeholder meetings have been held so that the agency could begin the proposed revisions to the Outdoor Burning regulations for prescribed burning. Ms. Thatcher also stated that the rules would be ready to publish for public comment in January of 2017 and that public hearings would be held during the 30 day comment period as well.

The **seventh** item of business was a discussion led by Kati Wooten of TCEQ regarding regulations for flag-persons and/or warning signs on public roadways during prescribed burns. It was stated that both TCEQ and the Texas Department of Transportation (TXDOT) have regulations for posting public roadways for possible road hazards, but each agency has different levels of requirements. Based on this discussion, PBB decided that Stuart Strnad should contact a TXDOT representative and schedule them to make a presentation on the regulations concerning flag-persons and/or warning signs, as it pertains to prescribed burning, at the next board meeting.

The **eighth** item of business was the discussion on the relocation of §229.5 to §226.4 for Lead Burn Instructor requirements, but in the absence of program coordinator Stuart Strnad, the discussion was tabled for the next board meeting.

The **ninth** item of business was a report from the Texas Department of Agriculture (TDA) on the Prescribed Burning Board program:

- **Restructure and Reappointment of Prescribed Burning Advisory Board:** Comment was made by Chairman Penick that the Advisory board members for reappointment had been presented to Stuart Strnad for processing and notification by TDA. In the absence of program coordinator Stuart Strnad, the topic was tabled for the next board meeting.
- **Rule Update for Published Amendments to §229.1 & §229.3:** Stephen Dillon of TDA confirmed that the amendments had been published in the Texas Register for public comment and after 30 days with no negative substantive comments the amendments would be adopted.
- **Eco-Region Map for Counties and Updated Regional Contacts:** Comment was made by Chairman Penick and board member Morgan Russell that the plan for updating the Eco-Regional map was to define regions by county and update contact information for current participants in the prescribed burning program per Region. In the absence of program coordinator Stuart Strnad, the topic was tabled for the next board meeting.

- **Results of Lead Burn Instructor feedback for training activities and recertification:**
Comment was made by board member Morgan Russell that a survey email had been sent out by program coordinator Stuart Strnad but that she was not aware of the results and specific feedback from the Lead Burn Instructors contacted. In the absence of program coordinator Stuart Strnad, the topic was tabled for the next board meeting.

The **tenth** item of business was an update on the formation of the new Advisory Board. Comments were made by Chairman Penick and advisory board member Ray Hinnant that the original advisory board consisted of 20 members, but due to lack of attendance that contributed to not making quorum, the new advisory board would only have a 10 member board. In the absence of program coordinator Stuart Strnad, the topic was tabled for the next board meeting since PBB was unable to determine if all reappointment letters were sent.

The **eleventh** item of business was Public Comment, and Chairman Penick opened the floor for comment and with no public comment the agenda item was closed.

The **twelfth** item of business was for the board to set the location, date and time for the next board meeting. After some discussion, the board decided that the next meeting would be held at the Texas Department of Agriculture on September 7, 2016 at 1:00 PM. Comment was also made by Chairman Penick to move to a semi-annual and as needed meeting schedule depending on PBB business needs. A motion was made and seconded; the board unanimously approved the location, date and time for the next meeting as presented and the semi-annual board meeting schedule.

The **thirteenth** item of business was other business and items to be placed on the next agenda.

Agenda items for next meeting (not exclusive):

Discussion and Possible Action for nominating applicant to board seat for Landowners.

Discussion and Possible Action on the Relocation of §229.5 to §226.4 for Lead Burn Instructor Requirements.

Report on the Status of Eco-Region Map Updates with Regional Contacts.

Report on the Status for Lead Burn Instructor training activities and recertification.

Report from Rich Gray regarding TFS database possibilities.

Report on the status of the formation of the New Prescribed Burning Advisory Board from TDA.

Presentation to be scheduled by TDA for TXDOT to be at the next board meeting to make a presentation covering TXDOT regulations on Flag-persons and/or warning signs on public roadways.

*Kati Wooten of TCEQ announced that she was resigning from the Prescribed Burning Board due to a change in duties at her department and that Ms. Beryl Thatcher of TCEQ would notify TDA of her replacement. Also with the retirement of Randy Rivera from TDA, the department will appoint another employee to fill his position as well on the board.

The **fourteenth** and last item was to adjourn the meeting. Chairman Penick asked the board for adjournment. A motion was made and seconded by the board to adjourn the meeting. Chairman Penick declared the meeting adjourned.