



Division of Air Pollution Control Response to Comments

Rule: OAC Rules 3745-19-03 and 3745-19-04, "Open Burning"

Agency Contact for this Package

Division Contact: Paul Braun, DAPC, 614-644-3734, Paul.braun@epa.ohio.gov

Ohio EPA held a 30-day public comment period ending May 20, 2015 regarding the above mentioned rules. This document summarizes the comments and questions received during the associated comment period.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment in parentheses.

General/Overall Concerns

Comment 1: As the Natural Resources Manager for Metroparks of the Toledo Area I would like to take this opportunity to comment on the proposed changes to the Ohio Administrative Code rules 3745-19-03 and 3745-19-04. As a large conservation agency in Ohio Metroparks of the Toledo Area manages nearly 12,000 acres of woodlands, savannas and prairie's including globally significant Oak Openings habitats. Over the last 25 plus years Metroparks of the Toledo Area has utilized Prescribe Fire as a management tool to successfully restore and improve habitat quality that supports a diverse assemblage of plants and animals including the federally endangered Karner Blue Butterfly.

Like other large conservation agencies in Ohio and across the country Metroparks must rely on numerous management strategies to achieve land management objectives including herbicide applications to control invasive species, select mowing to retard woody successional encroachment as well as the thoughtful use of prescribed fire. Prescribe fire as a management tool alone, especially in prairie systems, can achieve all of these land management objectives. The use of prescribe fire will also reduce thatch build-up that suppresses young plants and insulates soils that in turn can suppress diverse plant communities. For

these reasons the proposed wording change in Section C(S) to include prairie, grassland, and invasive species management as valid uses of open burning is critical to ensuring that prescribed burning as a management tool is conducted by responsible, certified and permitted fire managers continue in Ohio.

As the Natural Resources Manager for Metroparks of the Toledo Area I fully support and endorse the proposed wording changes to the OAC rules 3745-19-03 and 3745- 19-04, Open Burning in Restricted and Unrestricted Areas, that OEPA has drafted for review. **(Timothy D. Gallaher, Toledo Area Metroparks)**

Response 1: Ohio EPA thanks you for your support.

Comment 2: As Chair of the Ohio Prescribed Fire Council, I submit these comments on the proposed changes to the Ohio Administrative Code rules 3745-19-03 and 3745-19-04 on behalf of the Council's Steering Committee. The mission of the Ohio Prescribed Fire Council is to foster cooperation among the prescribed fire community, while promoting the safe use of prescribed fire as a natural resource management tool for Ohio's ecosystems. The Council's Steering Committee has 13 members currently, representing various agencies and organizations involved in prescribed fire in Ohio.

As you may know, most of the prescribed fires conducted in Ohio since the 1970s are done in prairie or grassland ecosystems as they are fire-adapted. While other tools, such as mowing and herbicide application, may be used to control natural succession and invasive species, fire is the most effective and efficient management practice in these ecosystems, given limited time, resources, and staff throughout the state. Prescribed fire, when used appropriately, top-kills woody and invasive species and returns minerals to the soil. ODNR, several large Metro Park districts, The Nature Conservancy, and private landowners use prescribed fire regularly to manage native, restored, and planted prairies and grasslands in Ohio, which harbor many native and rare plants and animals. The proposed wording change in Section C(5) to include prairie, grassland, and invasive species management as valid uses of open burning is critical to ensuring that these prescribed burns continue in Ohio, conducted by responsible, certified and permitted fire managers. I personally have worked closely with the ODNR Division of Forestry during the past 15 years to establish the certified fire manager program. Most of the people we train as a part of this program are preparing to burn prairies and grasslands.

In conclusion, the Ohio Prescribed Fire Council's Steering Committee fully supports and endorses the proposed wording changes to the OAC rules 3745-19-03 and 3745-19-04, Open Burning in Restricted and Unrestricted

Areas, that OEPA has drafted for review. (**Jennifer Windus, Ohio Prescribed Fire Council**)

Response 2: Ohio EPA thanks you for your support.

Comment 3: As proprietor of Meadow Environments LLC, and an Ohio Certified Prescribed Fire Manager, I commercially plan-for and conduct a number of prairie fires each year in Ohio, for the purposes of restoring or conserving tallgrass prairies. Specifically, these prescribed fires are essential in the suppression of both native and non-native woody invaders into the prairies. Herbaceous prairie vegetation is fire-adapted; growing exceedingly well following a fire. Prescribed prairie fires are restorative, not destructive.

In fact, the only reason tallgrass prairies persisted in Ohio since the drier Xerothermic Interval ending 4000 years ago was because of persistent annual burning of the prairies by Native Americans. In summary, the annual burning of prairies was, and is, essential to their maintenance and persistence. If left unburned, prairies in Ohio universally revert to dense shrub communities and are lost.

Consequently, Meadow Environments LLC strongly supports the specific listing of prairies and invasives control as enumerated, specified reasons prescribed fires should be allowed in Ohio (following, of course, all other open burn restrictions related to smoke suppression, etc.).

The earlier listing of “range management” was too indefinite, inasmuch as prairies in Ohio are seldom used as grazing “range.”

The proposed revisions are appropriate and well supported by ecological science. Meadow Environments LLC endorses these changes. (**John A. Blakeman, Meadow Environments, LLC.**)

Response 3: Ohio EPA thanks you for your support.

Comment 4: Thank you for the opportunity to comment on the proposed changes to the Ohio Administrative Code rules 3745-19-03 and 3745-19-04.

The Columbus and Franklin County Metro Parks (Metro Parks) manages over 27,300 acres of natural area parks in the central Ohio region. Within our conservation and preservation goals for the Metro Parks, we have a very active Resource Management Program that directs our habitat management and restoration program. As you may be aware Metro Parks has restored over 1,600 acres of native Darby Plains Prairie, a fire dependent ecosystem. Beyond our prairie restoration program, staff has

implemented prescribed burns for other management goals in native grassland plantings, forests and for wildlife management as an effective and efficient management tool. Metro Parks has a significant investment of staff and financial resources into our habitat management and restoration program. The proposed wording change in Section C(5) to include prairie, grassland, and invasive species management as valid uses of open burning is critical to ensuring that these prescribed burns continue within these natural resource areas. I believe prescribed fire, when used correctly by certified, responsible, and trained professionals is an appropriate and necessary management practice for these ecosystems.

I support the proposed language for your rule revision as it adds clarity to the existing rules. This will assure that Metro Parks as well as other natural resource managing agencies can continue to manage these areas appropriately in the future. **(Tim Moloney, Executive Director, Metro Parks)**

Response 4: Ohio EPA thanks you for your support.

Comment 5: Thank you for the opportunity to comment on the drafted changes to the Ohio Administrative Code (OAC) rules 3745-19-03 and 3745-19-04, "Open Burning in Restricted and Unrestricted Areas."

Five Rivers MetroParks is an organization whose mission is to "Protect the region's natural heritage and provide outdoor experiences that inspire a personal connection with nature. Part of protecting our natural heritage includes restoring, planting and managing prairies, fens & grasslands within the Miami Valley. One of the most beneficial management tools land managers use to maintain prairies and other habitats is fire. These fire adapted

ecosystems thrive when fire is introduced. Valuable nutrients and minerals are returned to the soil, seed production of native plants increase and invading woody plants are set back reducing competition. Although there are other tools land managers use, such as mowing, and the use of herbicides the benefits of fire cannot be replicated.

The Five Rivers MetroParks supports the proposed wording change of Section C(5) to include "prairie and grassland management, invasive species management, or wildlife practices" in order to ensure prescribed burns continue as a valuable land management tool throughout Ohio. **(Dave Nolin, Conservation Director, Five Rivers MetroParks)**

Response 5: Ohio EPA thanks you for your support.

Comment 6: Thank you for the opportunity to comment on the proposed changes to the Ohio Administrative Code rules 3745-19-03 and 3745-19-04.

The ODNR Division of Forestry shares oversight with Ohio EPA for outdoor fires in unincorporated areas through the Ohio Revised Code 1503.18. As specified in the ORC 1503.18, the Chief of the division of forestry has the authority to waive the restricted hours of burning, expand the allowable times for kindled fires, and in the event of high fire danger, request that the governor restrict all kindled fires with an executive order. Due to our shared interest in limiting the impacts of wildland fires, we maintain a close relationship with both the Ohio Fire Marshal and local fire departments within the hill country of the state. We also manage the coursework and issue certifications for the Ohio Certified Prescribed Fire Manager program.

In 2014, I issued over 100 waiver letters for more than 300 separate projects. When I issue waivers, the division ensures that the individuals receiving these waivers have proper training and work with local fire departments to minimize conflicts. Most of these requests the division receives are for projects for which prairie management is an objective. I believe prescribed fire, when used correctly, is an appropriate and necessary management practice for these ecosystems.

The proposed language for your rule revision is appropriate because it adds clarity to the existing rules. In my view, the distinction between wildlife management and prairie management should not be significant for determining whether the burn is in the public interest. This revision should allow your department to efficiently evaluate air quality impacts and avoid delving into the minutia of specific natural resource burn objectives..
(Robert Boyles, Deputy Director and State Forester, ODNR, Division of Forestry)

Response 6: Ohio EPA thanks you for your support.

Comment 7: The Ohio Prairie Association, a state-wide organization of both prairie professionals and lay citizens interested and expert in the unique ecology and species of Ohio prairies, strongly supports the specific inclusion of prairies and invasive species control as justifiable reasons to conduct OEPA-authorized open burns.

In fact, there is incontrovertible evidence that the vast majority of Ohio's large, presettlement prairies were fire-controlled; that without periodic human-set fires (originally by Native Americans), these unique grasslands

would be invaded and taken over by invasive woody brush and tree species. There is an abundance of historical documentation and records from the first half of the 19th century in Ohio telling how a) Native Americans frequently burned Ohio prairies, and b) the reasons for these deliberate fires. Specifically, the prime purpose of these historic human-set fires was to maintain the prairies, to suppress invasion by woody brush and tree species. Burned prairies supported large populations of grazing animals (white-tailed deer and elk) which were prime food sources for Native Americans.

Those who today manage prairies in Ohio, whether original prairie remnants, or modern restorations, are annually aware of the natural incursion of woody species into the prairies. Without artful use of open burning in these unique ecosystems, they degrade in a few years into thick brush patches and are lost. Historically, at the hands of presettlement Native Americans for many centuries, Ohio's prairies were maintained in high ecological quality by frequent human-set fires. Today, these same fires are required to suppress invasion of woody and other invasive species in both historic prairie remnants, and modern prairie restorations and creations.

It is noted that OEPA has previously allowed the open burning of Ohio prairies, with understood and agreed-upon smoke suppression or smoke control provisions. We wish this to continue; now, with prairie management and invasive species control as specific, listed reasons for open burning. **(David Dvorak, Jr., President, Ohio Prairie Association) John A. Blakeman, Meadow Environments, LLC.)**

Response 7: Ohio EPA thanks you for your support.

Comment 8: The Nature Conservancy is one of the largest conservation organizations in the world, with operations in all fifty states and more than thirty countries. Our mission is to conserve the lands and waters on which all life depends. A very important part of this mission is to use sound, science-based land management to maintain and restore significant natural communities. Many of these areas contain assemblages of our rarest species which depend on our management for their continued survival.

Prescribed fire is one of the most important and universal tools used by land managers around the world to control invasive species, manage plant succession and restore plant communities that have developed under the natural influence of fire. Today's developed and fragmented landscape which requires the suppression of wildfire for legitimate safety purposes has resulted in the necessary use of prescribed fire to mimic the natural fire regime under which these plant communities evolved.

The proposed rule changes, which include specific language that recognizes this important land management tool, are welcome and will improve the ability of land managers to do their job. These changes will also improve efficiency for Ohio EPA by clarifying those conditions under which open burning is permitted and thereby reducing confusion and time spent responding to inquiries and appeals.

On behalf of The Nature Conservancy in Ohio, I would like to endorse these proposed changes and also thank the Ohio EPA for its continued role in protecting Ohio's environment and public health. **(Josh Knights, Executive Director, Ohio, The Nature Conservancy)**

Response 8: Ohio EPA thanks you for your support.

End of Response to Comments