

**DEPARTMENT OF ENVIRONMENTAL QUALITY AND OKLAHOMA
DEPARTMENT OF AGRICULTURE, FOOD AND FORESTRY
SUMMARY OF COMMENTS AND STAFF RESPONSES FOR PROPOSED REVISIONS
TO
REVISED SMOKE MANAGEMENT PLAN (SMP)**

**COMMENTS RECEIVED DURING THE PUBLIC COMMENT PERIOD ENDING
MAY 12, 2021**

Written Comments

Oklahoma State University (OSU), Department of Natural Resource Ecology & Management – Submitted as an attachment to an email received on April 12, 2021 from John Weir, Associate Extension Specialist of Oklahoma State University.

1. **COMMENT:** In the Executive Summary, John Weir of OSU asks “How can they supersede the law? So what are the requirements listed below then?? How does it help provide limited liability protection? That is already provided.”

RESPONSE: The original language was determined to be unclear, especially the reference to limited liability protection, which has been removed. The language has been revised to remove confusion.

2. **COMMENT:** In Section I. Introduction, John Weir suggested a change in verbiage in the introduction including replacing the description of prescribed burning as a land management “practice” to “tool”; adding the term “native” to describe the wildlife species; replacing calling prescribed burning as “beneficial to many” with it being “important to all”; and adding “terrestrial” before ecological communities.

RESPONSE: It is best to stay away from definitive statements such as “important to all” since the true reach of this statement is not known. Additionally, the term “terrestrial” will not be added as prescribed burning can have effects on the atmosphere and other facets of the environment that are not encompassed in this definition. Using the term “tool” reduces the number of times “practice” appears in the document so this change has been implemented. Describing the wildlife species as “native” is acceptable and this change has also been made.

3. **COMMENT:** In Section I. Introduction, it was suggested by John Weir that it should be more obvious that this is a voluntary program. Specifically, the word “voluntary” should be more prominent and closer to the very beginning of the document.

RESPONSE: The first time the word “voluntary” appears in the SMP is in the introduction, but it can also be placed in the Executive Summary so that it appears a page higher. This change has been made.

4. **COMMENT:** In Section I.b. Scope and Applicability, the SMP is described as not applying to “open burning of agricultural waste, crop residue, or CRP lands.” John Weir comments: “Most all burns can be considered elimination of hazards, so all burns will be this type from now on.”

RESPONSE: This statement implies that one would try to fit their activity into a certain definition for the purpose of getting around having to adhere to the SMP despite it being a voluntary program. The term “elimination of hazards” also has specific requirements in OAC 100-13-7(2) that most prescribed burns would not meet. No change is warranted here.

5. **COMMENT:** In Section I.b. Scope and Applicability, John Weir states: “Agricultural waste is not defined. From now on all my burns will be agricultural waste, residue left over that the cattle would not eat.”

RESPONSE: Upon review, it was agreed that the term “agricultural waste” was not defined, so this definition has been added to the glossary in Appendix A: “*Agricultural waste*” means animal manure and contaminated water from livestock and poultry operations. Burning of residue left over after cattle finished grazing would not meet this new definition.

6. **COMMENT:** Under Section I.b.ii Burning Operations Subject to SMP, John Weir states: “Just stated above (b. page 4) that hazard elimination is exempt!” Later in the Section, there appears to be confusion related to the statement “this SMP does not apply to agricultural waste, crop residue, or land in the CRP program.”

RESPONSE: This Section references prescribed burning for the purpose of removing materials for “fire hazard elimination,” while the previous Section referenced mentions “elimination of hazards” as specifically defined in OAC 252:100-13 as an exemption to the SMP. These two terms are not interchangeable and do not necessarily reference the same hazards. No change is needed.

7. **COMMENT:** Under I.d.i. Open Burning (OAC 252:100-13), John Weir questions which activities are exempt from the SMP and whether this Section is consistent with previous sections.

RESPONSE: All open burning must be conducted in accordance with applicable laws and regulations including OAC 252:100-13. Only some prescribed fire activities are regulated by the SMP. The phrase, “Under the SMP” has been removed to eliminate this confusion.

8. **COMMENT:** In Section I.d.ii. Prescribed Burning (TITLE 2-16) in the sentence referencing the Oklahoma Statute that prohibits burn approval during drought conditions, John Weir states that there are exemptions and prescribed burning during drought conditions is not prohibited by the law.

RESPONSE: This Section references 2 O.S. § 16-26, which includes limited exemptions; for example, burning is prohibited during “gubernatorially proclaimed extraordinary danger from fire, unless the setting of any backfire during the drought emergency is necessary to afford protection as determined by a representative of the Division of Forestry, or unless it can be established that the setting of the backfire was necessary for the purpose of saving life or property.” This statute is included in Appendix B. The sentence will be clarified to include “with limited exceptions” so landowners do not think it is an outright prohibition.

9. **COMMENT:** In Section I.d.ii. Prescribed Burning, it is stated that “the decision to deny a burn is made only after the determination that public health and safety is at risk.” To this John Weir questions “Who or what is this determination process? Where in the law does it give anyone authority to deny prescribed burns?”

RESPONSE: After notification by the land owner in accordance with the requirements of 2 O.S. § 16-28.2, either the local Fire Department or ODAFF would notify the land owner of the conditions that are not conducive to a prescribed burn. No change is necessary.

10. **COMMENT:** The Section I.e.ii. National Ambient Air Quality Standards (NAAQS) has a paragraph describing how different chemical compounds specifically those included in the NAAQS are emitted by fires. John Weir states, “This is all based on forest fuels, there has been little to no work done on grassland fuels.”

RESPONSE: Smoke from grassland fuels does contribute to the formation of NAAQS pollutants. No change is necessary.

11. **COMMENT:** Under Section II.a. Burn Authorization and Burn Plans, John Weir states that OFS lacks the resources and prescribed fire knowledge to adequately review and regulate burn notification plans in the state.

RESPONSE: OFS will only review burn notification plans in protection areas as specified in 2 O.S. § 16-28.2.C. This will be clarified in the final SMP.

12. **COMMENT:** In Section II.a. Burn Authorization and Burn Plans, John Weir questions “The law states only adjoining landowners, not a given distance?” in regards to the

requirement under the prescribed burn notification plan for landowners with adjoining land within one mile of the burn area that must be notified.

RESPONSE: This language is extracted directly from 2 O.S. § 16-28.2.B.2... The intent is to address large consolidated tracts where there may be more than one mile separation of burning activities from adjoining landowners. No change is necessary.

13. **COMMENT:** Under Section II.a. Burn Authorization and Burn Plans the SMP, John Weir comments that landowners do not have to be trained to National Wildfire Coordinating Group (NWCG) standards.

RESPONSE: The reference to the United States Forestry Service in this sentence is referring to the BSMPs not to the fire training. No change is necessary.

14. **COMMENT:** Under Section II.a. Burn Authorization and Burn Plans, the SMP states that “land managers must follow a prescribed burn notification plan” to which John Weir commented that this was referring to a notification plan instead of a burn plan and lacks prescriptions and smoke management details.

RESPONSE: In the guidance document included as Appendix G, OFS provides a Prescribed Burn Plan and a Prescribed Fire Complexity Analysis and Review Worksheet, which both detail how the burn will take place and what potential smoke and impacts might occur. Additionally, a prescribed burn notification plan can also be found in 2 O.S. § 2-16-28.2 under Appendix B. No change was made.

15. **COMMENT:** In Section II.b Minimizing Air Pollutant Emissions, John Weir points out a specific OSU Extension publication (Smoke Management for Prescribed Burning E-1008) and also mentions that OSU Extension has a large database of smoke management and prescribed fire fact sheets and training, which is absent of mention in this document.

RESPONSE: The SMP is intended to be encapsulating of all relevant information available during the review. OSU Extension has been mentioned in this Section and cited in the Online Resources Section for more information and access to the aforementioned publications.

16. **COMMENT:** In Section II.c. Public Education and Awareness, John Weir asked how the availability of county burn ban status on the OFS website would determine good burn days.

RESPONSE: A burn ban is issued for a reason, which could negatively affect how a burn in the same area would be executed. No change to the SMP is necessary.

17. **COMMENT:** In Section II.c. Public Education and Awareness, John Weir asked if ozone alerts initiate a burn ban in certain counties.

RESPONSE: Per OAC 252:100-13(9)(5), a PM or Ozone Alert prohibits most, but not all, open burning in the counties for which the PM or Ozone Alert is issued. Typically, this will be for the counties associated with the three metropolitan statistical areas (MSAs) in Oklahoma. No change is needed.

18. **COMMENT:** John Weir suggested the addition of the Oklahoma Prescribed Burn Association and Oklahoma State University Extension to the list in the Online Resources Section.

RESPONSE: These additions are accepted.

The Oklahoma Conservation Commission/Member of the Oklahoma Prescribed Burn Association – Submitted as an email with an attachment received on April 20, 2021 from Lisa Knauf, Assistant Director of the Oklahoma Conservation Commission.

19. **COMMENT:** These comments were in agreement of John Weir’s edits to the SMP which were received on April 12, 2021, which are outlined in comments 1-18 above.

RESPONSE: See responses to comments 1-18 above.

The Noble Research Institute – Submitted as an attachment to an email received on May 5, 2021 from Michael Porter, Senior Wildlife and Fisheries Consultant at the Noble Research Institute.

20. **COMMENT:** Michael Porter of the Noble Research Institute suggested additions to the Table of Contents, which would show where in the document one could find the Prescribed Burn Plan, the Prescribed Fire Complexity Analysis and Review Worksheet, and the Assessment Criteria Descriptions provided by OFS.

RESPONSE: These changes will make it more apparent where vital documents can be found in the SMP, and thus have been implemented.

21. **COMMENT:** In the Executive Summary, Michael Porter recommends adding a sentence that explains how fire is a natural process that is necessary and vital to different environments. The justification for this is that it ought to be recognized that fire is not just a practice or tool, but a natural process that has and will continue to occur.

RESPONSE: Fire does, in many instances, replicate a natural process that can be identified in the objectives of specific prescribed burning plan. No change required.

22. **COMMENT:** In Section I.a. Purpose and Objectives, Michael Porter recommends adding “properly manage rangeland and forests, and” in the fifth line between “to” and “reduce.” This change would be helpful in expanding on the purpose.

RESPONSE: Change generally accepted.

23. **COMMENT:** In Section I.b. Scope and Applicability, Michael Porter asks “Is there an EPA and or DEQ effort to recognize natural air quality parameters and conditions that existed prior to European settlement when wildland fires were frequent natural occurrences across the Southern Great Plains landscape? Are we trying to mandate air quality standards relating to wildland fire smoke that are unnatural if we do not recognize the historical frequent and broad natural occurrence of fire and its resulting natural air quality parameters?”

RESPONSE: Both ODAFF and DEQ recognize the long-standing benefits and historic practice of prescribed fire. However, DEQ’s mission is to, in part, “protect people through the air we breathe.” The SMP seeks to balance both these needs by setting forth parameters for safe and lawful prescribed burning while minimizing risks to the health of Oklahoma’s citizens.

24. **COMMENT:** In Section I.b.i Lawful Burning, Michael Porter suggests adding a link to the website that shows the Oklahoma Ozone and PM Alerts.

RESPONSE: Change accepted.

25. **COMMENT:** In Section I.d.ii. Prescribed Burning (TITLE 2-16), Michael Porter asks why burning would be prohibited during droughts. The justification for this question is that many natural fires occur in drought conditions.

RESPONSE: Containment of fires in general during droughts can be problematic so the additional burden on fire agencies, who may already be fighting wildfires, to respond to prescribed fires is the concern.

26. **COMMENT:** In Section I.e.ii National Ambient Air Quality Standards (NAAQS), the last paragraph states that “EPA is currently reviewing the ozone standard and the PM standard, with final standards expected to be set by the end of 2020.” Michael Porter asks if this should be updated if the review is done.

RESPONSE: EPA has issued final determinations to retain the current standards for both PM and ozone. The final SMP has been updated to reflect these determinations.

27. **COMMENT:** In Section II.a. Burn Authorization and Burn Plan, Michael Porter recommends that the USFS BSMPs should be summarized, itemized, or a linked for ease of access and further understanding.

RESPONSE: Although the six primary BSMPs are discussed within the text of the SMP, the suggestion to include a list has been accepted and added to the final SMP.

28. **COMMENT:** In Section II.b. Minimizing Air Pollutant Emissions, Michael Porter asks if a smoke or burn journal is necessary. The justification for this question is that if a written prescribed burn plan is followed during the burn then why does it need to be documented again if the burn plan was properly executed and recorded.

RESPONSE: The smoke or burn journal need not be extensive but allows the land owner to note whether or not the burn plan was followed or if any deviations or issues were encountered that required modification of the original plan. In addition, the actual weather conditions for the day of the prescribed fire and the attitude of the resulting smoke can be documented. No change is necessary.

29. **COMMENT:** In Section II.b. Minimizing Air Pollutant Emissions, Michael Porter suggests that the Oklahoma Prescribed Fire Council (OPFC) strategies that are mentioned should be summarized, itemized, or a link to them ought to be provided.

RESPONSE: The OPFC has been linked in Additional Resources in Section III.b Online Resources. Change accepted.

30. **COMMENT:** In the second paragraph in Section II. b. Minimizing Air Pollutant Emissions, Michael Porter recommends changing the phrase “the best” to “a good” because the best day will not always be known until after the burn season is over.

RESPONSE: This sentence was determined to be unclear and has been deleted.

31. **COMMENT:** Michael Porter suggests changing the phrase “drought conditions” to “soil moisture, live fuel moisture,” in Section II. b. Minimizing Air Pollutant Emissions because drought conditions can be subjective and impact dormant season ground burns less than growing season ground burns.

RESPONSE: This paragraph addresses weather related elements not associated with the fuels elements within the fire environment. For additional clarity, it is suggested to change from “drought conditions” to “drought-related conditions.”

32. **COMMENT:** In Section II. b. Minimizing Air Pollutant Emissions, Michael Porter suggests providing the NWS telephone number because it can often be difficult to find.

RESPONSE: Change accepted.

33. **COMMENT:** Michael Porter recommends providing a link to the brochure mentioned in Section II. b. Minimizing Air Pollutant Emissions.

RESPONSE: Change accepted.

34. **COMMENT:** In Section III. A. Acronyms and Abbreviations, Michael Porter suggests adding the following acronyms and their full names: *BEHAVE*, *BSMPs*, *BTU/ft²*, *BTU/ft/sec*, *ch/hr*, *EER*, *NO₂*, *NWS*, *OK-FIRE*, *PIG*

RESPONSE: Change generally accepted. BEHAVE and PIG are explained in Appendix G and not within the body of the SMP. Unit references have also been omitted.

35. **COMMENT:** Michael Porter recommends replacing the following sentences for the definition of “Rangeland” in Appendix A: Glossary in order to complete the definition and differentiate it from the term “wildlands”:

Land on which the indigenous vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs, or shrubs and is managed as a natural ecosystem. If plants are introduced, they are managed similarly. Rangeland includes natural grasslands, savannas, shrub lands, many deserts, tundras, alpine communities, marshes and meadows.

RESPONSE: This proposed definition matches a definition used by EPA for rangeland, and this change has been made.

36. **COMMENT:** In Appendix A: Glossary, Michael Porter recommends adding “out of control” between “non-structural” and “fire” in the first line of the definition of “Wildfires.”

RESPONSE: The definition has been amended to match the statutory definition for wildfire in 2 O.S. § 16-2.

37. **COMMENT:** Michael Porter suggests adding the phrase “, potential of upslope aggressive fire behavior” between the words “limitations” and “and” in the second line of the “TOPOGRAPHY” definition in Section Assessment Criteria Descriptions.

RESPONSE: The existing language is from a guidance document created by OFS that is incorporated verbatim into the SMP. No change made.

38. **COMMENT:** In Section Appendix I: Oklahoma Airsheds, Michael Porter recommends adding the phrase “commercial” between the words “for” and “forests” in the second line of Zone 3 because a lot of what is considered Zone 3 is in the Cross Timbers and Prairies so a significant portion of the uplands is dominated by the woodlands.

RESPONSE: This change has been made.

39. **COMMENT:** Michael Porter recommends adding the phrase “south of these cities and” between the words “and” and “the” in the second line of the Zone 4 description in Section Appendix I: Oklahoma Airsheds. The justification for this change is that the Cross Timbers do not exclusively occur between Oklahoma City and Tulsa.

RESPONSE: This sentence has been modified to reflect that Zone 4 extends south of the Flint Hills and lies between Oklahoma City and Tulsa.

Oklahoma Conservation Commission – Submitted via email received on May 7, 2021 from Janet Stewart, General Counsel of the Oklahoma Conservation Commission.

40. **COMMENT:** The Oklahoma Conservation Commission would like for the statutory language in 2 O.S. § 16-28.3 found in Appendix C to make a statement next to the Title that informs readers that since the Oklahoma Controlled Burn Indemnity Fund’s creation in 2007 the Oklahoma Legislature has never appropriated any funds into the Fund for the Oklahoma Conservation Commission to administer. Possible suggested language was the addition of “(NEVER BEEN FUNDED)” behind the Title.

RESPONSE: Notifying readers that there is no funding available is prudent. Because the language in Appendix C reflects language directly from the statutes, a footnote has been added rather than the suggested parenthetical reference to notify readers that the Oklahoma Controlled Burn Indemnity Fund has never received legislative appropriations.

The Noble Research Institute – Submitted as a follow-up to previous comments via email received on May 11, 2021 from Michael Porter, Senior Wildlife and Fisheries Consultant at the Noble Research Institute.

41. **COMMENT:** In Appendix B under §2-16-28.3. Oklahoma Controlled Burn Indemnity Fund, Michael Porter suggested either striking all references to the Oklahoma Controlled Burn Indemnity Fund or leaving the statute in the plan and adding text that states that the fund is inactive in order to reduce confusion.

RESPONSE: See Response to Comment #41.

Oklahoma Farm Bureau – Submitted via email and attachments received May 12, 2021 from Marla Peek, Senior Director of Regulatory Affairs at the Oklahoma Farm Bureau (OFB).

42. **COMMENT:** Marla Peek of the Oklahoma Farm Bureau recommends deleting Appendix B as it is duplicative as elements of Title 2 are already described at length in the text.

RESPONSE: While Appendix B O.S. Title 2, Section 16, Oklahoma Forestry Code is described throughout the SMP, this Appendix includes the exact verbiage of the statutes. This verbiage, while extensive and technical at times, is vital to understanding the context

and limitations of the SMP in regards to the Oklahoma Statute. Requested updates to the citations have been added.

43. **COMMENT:** Various minor language changes were suggested throughout the Executive Summary and Sections I-II

RESPONSE: The changes that increased clarity and reduced redundancy were accepted.

44. **COMMENT:** In the Introduction, a recommended edit would add “and is recommended as part of a Prescribed Burn Plan” in place of “with the exception of OFS Protected Areas in eastern Oklahoma” in the second to last sentence of the second to last paragraph.

RESPONSE: Although the SMP is voluntary for most land owners, the SMP must be followed in OFS Protected Areas. This is an important emphasis that has been retained.

45. **COMMENT:** In Section I.b.i Lawful Burning, it was suggested to separate the bulleted list under a new section, which would be new Section I.b.ii Prescribed Burning, and add an introductory sentence: “Prescribed burning is lawful burning which requires a prescribed burn notification plan and which provides limited liability to the owner under the provisions of 2 O.S. 16-28.2. These provisions provide:”

RESPONSE: The SMP is meant to focus on prescribed burning activities. Section I.b.i. Lawful burning is meant to explain how prescribed burning is lawfully conducted under both Oklahoma statutes and regulations administered by ODAFF and DEQ. Because prescribed burning is a type of lawful burning, creating a new section seems to add confusion rather than clarity. Prescribed burning is lawful only when conducted according to the conditions spelled out in 16-28.1 and 16-28.2 as indicated by phrases such as “it is unlawful...except under the following circumstances” and “shall comply with the provisions of this section.” Part of the suggested opening sentence, however, has been added to make it clear that prescribed burning is a subset of lawful burning.

46. **COMMENT:** In Section I.b.i Lawful Burning, a new section was proposed after the bulleted list, which would be a new Section I.b.iii Open Burning.

RESPONSE: As stated in the response to Comment #46, open burning is a type of lawful burning and created a new section does not appear to add clarity. This suggestion has not been implemented.

47. **COMMENT:** In Section I.b.ii Burning Operations Subject to SMP, the last sentence was suggested to be modified to remove “While a landowner may choose to use prescribed fire as a land management tool, as stated in Section I (b) of this document” and add “prescribed fire for” before “agricultural waste.”

RESPONSE: To match previous verbiage used in the SMP, the term “open burning of” was inserted.

48. **COMMENT:** In Section I.c.ii Class I Areas, there is a recommendation to remove the second to last sentence, which outlines the other states and Class I Areas that would be affected by potential emissions coming out of Oklahoma’s Class I Area.

RESPONSE: While it may seem unnecessary to include a sentence about other states’ Class I Areas in a document intended for use in Oklahoma, this language is vital because Oklahoma’s emissions do not stop at the border. Neighboring states may also contain regions that can be affected by lower levels of emissions based on federal National Ambient Air Quality Standards.

49. **COMMENT:** In Section I.d.i Open Burning (OAC 252:100-13), it was suggested to change the provided definition of open burning and to remove the language in the last sentence that describe prescribed burning limitations in accordance with the Oklahoma Administrative Code.

RESPONSE: The suggestion to directly quote the definition of “open burning” from OAC 252:100-13 is accepted. However, the suggestion to remove the language related to the specific provision in Subchapter 13 that still must be adhered to will not be implemented. It is important for landowners to be familiar with the specific requirements in Subchapter 13 that still must be followed for prescribed burns.

50. **COMMENT:** In Section I.d.ii Prescribed Burning (TITLE 2-16), it was suggested to remove the second paragraph and replace this language with four new paragraphs provided by OFB.

RESPONSE: The purpose of this section is to illustrate the relationship between the SMP and Oklahoma air quality regulations. The deleted paragraph fulfills this purpose by referencing the statutes multiple times and linking this language to OFS guidance. The additional language provided by OFS to add to the SMP includes a lot of details that go beyond the scope of the purpose of this section and are covered in Section II.a. of the SMP. The original language in the second paragraph, with modifications from earlier comments, has been retained.

51. **COMMENT:** In Section I.e.ii National Ambient Air Quality Standards (NAAQS), the last paragraph states that “EPA is currently reviewing the ozone standard and the PM standard, with final standards expected to be set by the end of 2020.” Marla Peek asks if this has an update.

RESPONSE: As stated in the response to comment #27, EPA has issued final determinations to retain the current standards for both PM and ozone. The final SMP has been updated to reflect these determinations.

52. **COMMENT:** In Section II.a Burn Authorization and Burn Plans, multiple changes were made with the intent to clarify the role of OFS in burn notification plans. Additionally, language was added in order to differentiate what OFS's jurisdiction is within the Oklahoma Forest Protection Areas.

RESPONSE: Many of these changes are accurate and provide an additional level of clarity and have been accepted. However, the addition of the changes to the Appendices will not be made.

53. **COMMENT:** Clarifying edits were suggested for verbiage in II.b. regarding weather effects on a burn plan as well as a request to make the DEQ brochure available on ODAFF's website.

RESPONSE: The edits are accepted. The DEQ brochure is available on DEQ's Smoke Management web page and the URL has been added.

54. **COMMENT:** Clarifying edits were suggested for verbiage in Section II.d. Surveillance and Enforcement.

RESPONSE: The edits are accepted.

55. **COMMENT:** In Section III Reference Material, some minor additions were included to encompass necessary acronyms and online resources for the understanding of landowners using this plan.

RESPONSE: These additions will clarify and expand the existing material and have thus be accepted.

56. **COMMENT:** In Appendix A: Glossary, various additions were made to describe the origins of certain term definitions. A few changes were also made to some of the original definitions, as well as "products of combustion" was added and "yard brush" was removed.

RESPONSE: The addition of language and references is an acceptable change as it expands knowledge and introduces context to vital terms. The minor edits that also aim to ensure the definitions match their regulatory counterparts have been accepted. Removed terms or language were only removed if deemed redundant or confusing.

57. **COMMENT:** Under Appendix C, the language from OAC 252:100-13-9 General conditions and requirements for allowed open burning was added to expand the reference material.

RESPONSE: Adding OAC 252:100-13-9, which some language in the SMP is referencing, will help to add context of the document. This change has been accepted.

58. **COMMENT:** Edits were suggested to the OFS Guidance Document including removing the statute citations, making the Section “Oklahoma Laws Pertaining to Burning” a separate Appendix D, and minor changes to the Section “Notification Requirements and Considerations for Safe and Lawful Prescribed Burning in Oklahoma.”

RESPONSE: This document is currently in review for revision at ODAFF. If a new version is issued before finalization of the SMP, it will be included. Otherwise, the current version of the Guidance Document will be included as an attachment to the SMP as a single Appendix as it is currently.

Oklahoma Cattlemen’s Association – Submitted via email received on May 12, 2021 from Michael Kelsey, Executive Vice President of the Oklahoma Cattlemen’s Association.

59. **COMMENT:** These comments were in agreement of Marla Peek’s edits to the SMP which were received on May 12, 2021, which are outlined in comments 43-59 above.

RESPONSE: See comments 43-59 above.

The Nature Conservancy – Submitted via email and attachment received on May 12, 2021 from Bob Hamilton, Preserve Director of The Nature Conservancy.

60. **COMMENT:** In Section II.a., Bob Hamilton of The Nature Conservancy is concerned about some of the stated requirements under this voluntary plan. The primary concern is the requirement for the Oklahoma Forestry Services (OFS) to have authority to approve or reject burn notification plans as this could have push back from Oklahomans. It is additionally concerning if OFS does not have the capacity to quickly deal with hundreds of burn requests on good burn days and if decisions are not completely transparent and science-driven.

RESPONSE: This section is being clarified in response to additional comments received to make it clear that OFS only reviews burn notification plans in OFS Protected Areas. OFS has approved/denied burns within the eastern Oklahoma Protection Areas for the last 50 years or more. This is a statutory responsibility of OFS.

61. **COMMENT:** In Section II.a under Burn Authorization and Burn Plans, Bob Hamilton believes the statement “Persons responsible for managing prescribed fires should be adequately trained in fire and BSMPs established by the United States Forestry Service” will have negative political repercussions as it could appear to force a federal regulation on Oklahoma landowners.

RESPONSE: See the response to Comment #13. The reference in this sentence to the United States Forestry Service is related to BSMPs, which are incorporated into the SMP. Oklahoma landowners will continue to be subject to the state requirements administered by ODAFF and DEQ as outlined in the SMP. No change is necessary.