

CHAPTER 28  
SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL

28-1 COUNCIL FINDINGS

28-1.01 The Tribal Council is responsible for maintaining, promoting and protecting the general welfare and treaty and aboriginal rights of the people of the Kootenai Tribe of Idaho.

28-1.02 The Tribal Council possesses the inherent authority to regulate conduct occurring on its lands that meet the definition of Indian Country under federal law or lands within the exterior boundaries of the above-described lands that are not held in trust by the United States.

28-1.03 In meeting its responsibility to the Tribe and its members, especially those with conditions making them more sensitive to air pollutants including smoke, the Tribal Council must act to reduce the impact of smoke generated from field burning, and maintain the valuable and necessary tool of fire in the best management practices for farmers on Tribal lands.

28-1.04 The Tribal Council finds that the most efficient manner of implementing smoke management and crop residue programs at this time is through adoption of the Idaho state standards for crop residue disposal and use of the existing Idaho state regulatory framework for such purpose.

28-2 SMOKE MANAGEMENT AND CROP RESIDUE DISPOSAL STANDARDS AND REGULATIONS

28-2.01 The smoke management and crop residue disposal standards and regulations applicable within the Tribe's jurisdiction shall be those standards and regulations contained in Idaho Code §39-114 and IDAPA 58.01.01.618 through 624 and the applicable regulations promulgated thereunder, unless otherwise specified by the Council.

28-3 REGISTRATION OF FIELDS TO BE BURNED

28-3.01 All persons shall register each field located within the lands of the Kootenai Tribe of

Idaho with the Idaho State Department of Environmental Quality on an annual basis prior to burning crop residue in the same manner, including fees, as provided in Idaho Code §39-114 and IDAPA 58.01.01.618 through 624.

28-4 DETERMINATION OF BURN OR NO BURN DAYS

28-4.01 Burn days for fields within the lands of the Kootenai Tribe of Idaho shall be the same as those designated by the Director of the Idaho State Department of Environmental Quality under the IDAPA 58.01.01.618 through 624.