

MEMORANDUM OF UNDERSTANDING

The Boise River Flood Control District #10 ("FCD 10") and the Idaho Department of Environmental Quality ("DEQ") hereby enter into this Memorandum of Understanding ("MOU") on this ___ day of October, 2012.

WITNESSETH:

WHEREAS, FCD 10 has the statutory authority and responsibility under the provisions of the Idaho Flood Control District Act (Idaho Code § 42-3101 *et seq.*) to protect life and property from flooding of the Boise River and its tributaries within FCD 10's boundaries through flood control projects and measures, including, but not limited to, the removal and disposal of woody debris that impedes or threatens to impede Boise River water flows.

WHEREAS, one method by which FCD 10 proposes to dispose of the woody debris that has been removed or will be removed from the Boise River is to open burn such debris at various locations along the banks of the Boise River within FCD 10's boundaries where debris removal by other methods is not reasonably accessible or feasible or may cause environmental damage.

WHEREAS, Section 614 of the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.614, provides that "use of open outdoor fires to obtain the objectives of prescribed fire management burning is an allowable form of open burning when the provisions of Section 614 are met."

WHEREAS, prescribed fire management is defined in pertinent part to include "the controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives including: ...e. The disposal of wood debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system." IDAPA 58.01.01.006.89.e.

THEREFORE, FCD 10 and DEQ agree as follows:

1. This MOU constitutes a smoke management plan for FCD 10's prescribed burning of woody debris that has been removed or will be removed from the Boise River within FCD 10's boundaries.
2. FCD 10's open burning to dispose of woody debris that has been removed or will be removed from the Boise River conducted in accordance with this MOU is an allowable form of open burning pursuant to Section 614 of the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.614.
3. FCD 10 shall obtain DEQ burn approval the day prior to a planned burn. The burn decision shall be based on current and forecasted air quality, as well as forecast meteorological conditions. The number and approximate river mile location of woody debris that DEQ will approve to be burned on any day will be dependent on the forecasted conditions. FCD 10 shall contact the DEQ Airshed

Coordinator (Mike Toole at 373-0104) for burn approvals. If the Airshed Coordinator is unavailable, FCD 10 shall contact the Regional Airshed Manager (David Luft at 373-0201).

- a. FCD 10 shall submit, electronically, by fax, US mail or hand delivery, a written request to burn by 2 pm the business day prior to the requested burn date. The burn request shall describe the locations of woody debris requested to burn, as well as the contact information for the person responsible for conducting the burn.

DEQ shall issue the written burn decision so that it is received by FCD 10 by 4 pm the business day prior to the requested burn date. If approved to burn, DEQ shall include a burn window. Ignition is not allowed before the start of the burn window and the fire shall be out by the end of the burn window, unless otherwise authorized by DEQ. The burn window may include overnight burning under conditions which assure that the objectives of this MOU are met, and with the approval of any fire control authority having jurisdiction in the area.

- b. FCD 10 shall not conduct burns during any stage of an air pollution episode declared by the DEQ in accordance with IDAPA 58.01.01.550 – 562. FCD 10 shall comply with all local ordinances, including those that restrict open burning due to air quality.
- c. FCD 10 shall extinguish the burn if the DEQ determines this is required to protect human health or safety, in accordance with IDAPA 58.01.01.603.03.

4. Burning shall not include any prohibited materials as defined by IDAPA 58.01.01.603.01.
5. Material shall be in a condition to maintain combustion after ignition.
6. FCD 10 shall provide DEQ access to any burning site at reasonable times for the purpose observing the approved burn.
7. FCD 10 shall submit to DEQ by noon the business day after an approved burn a written, post-burn summary. This summary shall describe the locations where woody debris was burned and the extent to which the woody debris was combusted (e.g. percentage of material combusted and not combusted).
8. DEQ recommends that woody debris that FCD 10 burns be free, to the extent practicable, of green vegetation, large stumps, soil and snow.
9. DEQ recommends that the FCD 10 coordinate with all impacted local municipalities to ensure compliance with all county and/or city ordinances. Burn approval from DEQ does not exempt the activity from any local restrictions which may apply.
10. DEQ recommends that FCD 10 contact the fire control authority having jurisdiction in the area of burning prior to ignition. Additional permits may be required from the appropriate fire control authority.
11. The term of this memorandum of understanding shall be on-going unless otherwise revoked by thirty (30) days written notice from the Director of DEQ or the Chairman of FCD 10. This

memorandum may be amended through mutual written agreement of the parties. This memorandum, when accepted by each agency, will be effective on the date of the last signature.

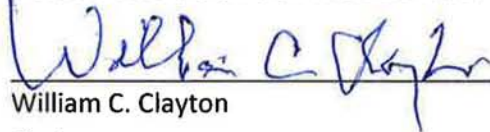
IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed:

IDAHO DEPARTMENT OF
ENVIRONMENTAL QUALITY



Curt Fransen
Director

BOISE RIVER FLOOD CONTROL DISTRICT #10



William C. Clayton
Chairman