

DEQ administrators:

It has been brought to our attention as County Commissioners that there is a comment period for the rules setting for prescribed fire. We would like to have these comments apply to that comment period and also address the DEQ as county commissioners.

As county commissioners under IC 67-65 we have the authority to regulate for the health, safety and welfare of the people of our counties.

Under IC 25- 903 Interference with grazing rights, It states; “Any person who willfully or negligently interferes with the legal herding, grazing or pasturing of livestock or with a fence, gate, water development or other range improvement on private base property or on an adjudicated allotment is guilty of a misdemeanor.....” We feel that the prescribed fires that the Federal land managers are using is a constitutional takings and could be considered arson under state laws. The Federal land managers are burning private property without permission of the property owner. The ranchers own the grazing rights on federal lands, as stated in State Code and Federal law.

We request that DEQ tighten up the burn permit process on Federal managed lands to include honoring the rights of counties to regulated for health, safety and welfare of the people in their counties and to respect the allotment owners property rights in regards to the grass and grazing rights the ranchers own. This would include having new permit requirements that first, would limit prescribed burns in the spring due to the wet conditions and the smoke that burning in the spring causes, also so there have been several prescribed fires that have not been put out, burned into summer and have blown up and become large fires. Second, that there is a start date, and an ending date, (when the fire is to be put out). Third, that the property owner, (the allotment owners) whose grass is going to be burned, be in agreement with their property being burned. Fourth, that the county commissioners are coordinated with on the proposed prescribed burns in their counties.

Summary,

This request is in regards to laws that were passed concerning management of Federal lands.

National Forest Organic Act of 1897 paragraph 5, 6 and 13

Federal Land Policy and Planning Act of 1976 Sec. II (c) 8 and 9, and Sec. 701 (a)

IC 25-903 (Interference with grazing rights)

IC 67-6502 purpose and (a)

Proposed rules;

1. Limit prescribed burns on Federal lands in the spring
2. DEQ burn permits have a start date and an ending date
3. Property owners, (the preference rights holders or allotments holders, give written permission to have their grass burned
4. County Commissioners are coordinated with, and give written permission for the Federal land prescribed burns in their counties.