



**U.S. Department of Agriculture, U.S. Forest Service  
Black Hills National Forest  
in the State of South Dakota  
(Black Hills Forest Fire Protection District)**

**Open Fire Prohibition**

**PROHIBITIONS**

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50(a) and (b), the following acts are prohibited on the National Forest System lands in the Black Hills National Forest, Black Hills Forest Fire Protection District, as defined by South Dakota Codified Laws (SDCL) § 34-35-15 (copied in Exhibit B) and as shown in Exhibit A.

1. ***Building, maintaining, attending, or using*** a fire or campfire unless the fire is in an established fireplace approved or constructed by a public agency in a designated recreation area. Stove fires (fire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid gas stove, including a space-heating device) are not prohibited by this Order. 36 C.F.R. § 261.52(a).
  - a. Campfire means a fire, not within any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or aesthetic purpose.
2. Violating any provision of SDCL §§ 34-35-15, 34-35-16, and/or 34-35-17, which prohibit open fires in the Black Hills Forest Fire Protection District. 36 C.F.R. § 261.52(k). Copies of the South Dakota statutes are attached and hereby incorporated into this Order as Exhibit B.

***Note:*** South Dakota Statute defines “open fire” as any fire to burn slash, brush, grass, stubble, debris, rubbish, or other inflammable material not enclosed in a stove, spark proof incinerator, or an established fireplace approved or constructed by a public agency in a designated recreation area. SDCL §§ 34-35-16.

**EXEMPTIONS**

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Any person with a Forest Service or State issued permit specifically authorizing the otherwise prohibited act or omission as provided in SDCL §§ 34-35-16 and 34-35-17 (see Exhibit B for copies of statutes).
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.

## **PURPOSE**

The purpose of this Order is to protect public health and safety, and natural resources within the Black Hills National Forest by prohibiting fires within the Black Hills Forest Fire Protection District.

## **IMPLEMENTATION**

- a. This Order shall be in effect from November 16, 2024, at 12:00am, and continue through December 31, 2029, at 11:59pm, unless rescinded.
- b. A map showing the Black Hills Forest Fire Protection District (Exhibit A) and the relevant South Dakota statutes (Exhibit B) are attached and made part of this Order. For a digital version of this Order, Exhibit A and Exhibit B, go to <https://www.fs.usda.gov/alerts/blackhills/alerts-notice>.
- c. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.
- d. A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
- e. Contact the Black Hills National Forest Supervisor's Office in Custer, SD, (605) 673-9200, for more information about this Order.
- f. This Order supersedes BKF-146-2019 prohibiting the same or similar acts in the Black Hills Forest Fire Protection District.

Signed and issued on November 14, 2024.

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Forest Supervisor  
Black Hills National Forest