

Special Order Number NNFG-0207-10

FOREST ORDER

USDA - FOREST SERVICE
NEBRASKA NATIONAL FORESTS & GRASSLANDS, FORT PIERRE RANGER
DISTRICT
WITHIN THE STATE OF SOUTH DAKOTA

OPEN FIRE PROHIBITION

Pursuant to 16 United States Code (U.S.C.) § 551 and 36 Code of Federal Regulations (C.F.R.) § 261.50(a) and (b), the following acts are prohibited on all National Forest System lands administered by the Nebraska National Forests & Grasslands within the exterior boundaries of the Fort Pierre Ranger District in South Dakota, and on all roads and trails located within the Restricted Area.

PROHIBITIONS:

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 are excluded from 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.

A *Stove fire* is defined as a fire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid gas stove, including a space-heating device.

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.
2. Any Federal, State, or local officer, or member of any organized rescue or fire fighting force in the performance of an official duty.

This order will be in effect from the date it is signed, and continue through December 31, 2025 or until rescinded.

Done at Chadron, NE this 19th day of July 2019

Jack Isaacs

Signed

Date

Jack L. Isaacs
Forest Supervisor

Violation of this prohibition is punishable as a Class B misdemeanor, by a fine of not more than \$5,000.00 for an individual, or \$10,000.00 for an organization or imprisonment for not more than six (6) months, or both. *16 U.S.C. § 551 and 18 U.S.C. §§ 3559 and 3571 (b)(6).*

Management Objectives

To ensure the protection of public safety, public and private property, wildlife, fish and the natural resources within the Nebraska National Forests & Grasslands by regulating the use of fires.

SUBPART A

ORDER REQUEST JUSTIFICATION FORM: NNFG-0207-10

SUBMIT THE FOLLOWING INFORMATION:

1. STATE THE DESIRED ACT: To effectively deter and regulate unauthorized fires by having the authority to issue citations to individuals who are "BUILDING, MAINTAINING, ATTENDING or USING" any prohibited fire.
2. REASON FOR THE ORDER: The Nebraska National Forests & Grasslands has a very volatile wildfire profile due to the grasslands and prairie fuel type and unique weather phenomena thus fire prevention is of utmost importance. The Ranger District has very few trees and prior to implementing the Stage 1 Fire Restrictions, the visiting public would trespass onto nearby private landowners' tree shelter belts to gather wood for campfires. Additionally the grasslands management objectives provides important habitat for the prairie chickens and other wildlife.
3. Illegal fires are often built by individuals, and then attended by large groups. Upon finding illegal fires attended by large groups officers have difficulty finding the person(s) who started the illegal fire. Having the ability to hold everyone attending the fire accountable allows officers to effectively deal with the illegal fire. Further, this regulation will allow Forest Officers to enforce fire prevention regulations established by the State of South Dakota.
4. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? (Yes)

- DESCRIBE: In the past, Forest Service enforcement of the state prohibition was limited only to action under 36 CFR 261.52(k) directed at those who started an illegal fire. This however has proved ineffective in situations where Forest Officers discovered illegal fires but were unable to determine the person responsible for starting the fire. Additionally, signs have been posted throughout the Ranger District notifying forest users that open fires are prohibited.
5. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: This Order shall be in effect immediately and remain in effect until December 31, 2025 or until rescinded.
 6. LIST THOSE EXEMPT FROM THE ORDER: Any person with a valid Forest Service or State issued permit specifically authorizing the otherwise prohibited act or omission. Any Federal, State, or local officer, or member of any organized rescue or fire fighting force in the performance of an official duty.
 7. HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED? (Yes).
 - WHO WILL ENFORCE THE ORDER? Forest Officers on the Nebraska National Forests and Grasslands within the State of South Dakota. (Primarily responsibility will be with Law Enforcement Officers and Forest Protection Officers)
 - WHO WILL ENSURE PROPER SIGNING? Signing will be accomplished by the Forest Recreation, Fire, and Law Enforcement and Investigations program staff.
 8. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT? (Yes).
 9. HAS THE PUBLIC BEEN NOTIFIED? (Yes)
 - DESCRIBE HOW: Signs have been posted throughout the Fort Pierre Ranger District. Additionally, the prohibition on open fires has been in effect per a similar policy dating back to July of 1996.
 10. COMPLETE THE ORDER USING THIS CHECKLIST.

When complete, forward the original request to the Supervisor's Office, Attention: Supervisory Law Enforcement Officer. The request will be routed to the appropriate Staff Officer, Public Information Officer, and Forest Supervisor.

Reviewed: Jack L. Isaacs July 19, 2019
 Forest Supervisor, Jack L. Isaacs Date

Reviewed: _____ July 19, 2019
 North Zone Patrol Captain, Dave Hartley Date

