

Instructions

The file should be saved as Initials of the Forest, Year, type of Closure Order (ex -BHNF-2021-Stage1Fire)

If the Stage 1 Fire Restrictions do not include the entire Forest, you should include those Districts that are covered as indicated. If you are covering the entire Forest, you may delete that line. If the restricted area cannot just be easily identified as a district or forest as a whole, a more detailed description of the restricted area (and potentially roads and trails) may need to also be provided.

This template is developed to expire no later than the end of the current year. The template will be reviewed at the end of each calendar year and revised as needed.

If you are removing any of the Prohibitions or Exceptions or adding in any additional Prohibitions or Exceptions you should include a specific discussion of the need to vary from the standard form with your request for the Forest Order.

You should continue to provide any Assessment of Need, Law Enforcement Plan, and other supporting documentation as required by the Rocky Mountain Region Forest Order's Process.

DO NOT INCLUDE THIS PAGE IN THE PUBLIC FIRE ORDER NOTICE

FOREST ORDER
USDA FOREST SERVICE
NEBRASKA NATIONAL FORESTS and GRASSLANDS
Buffalo Gap National Grassland; Fall River and Wall Ranger Districts

STAGE I FIRE RESTRICTIONS

Pursuant to 16 U.S.C. § 551 and 36 CFR § 261.50 (a) and (b), the following acts are prohibited on all National Forest System lands within the Pine Ridge Ranger District and Oglala National Grassland of the Nebraska National Forests in the State of Nebraska (the “Restricted Area”) and on all roads and trails located within the Restricted Area (the “Restricted Roads and Trails”), as shown on the attached map incorporated into this Order as Exhibit A.

The purpose of this Order is to protect public health, safety, and natural resources by preventing wildfires.

PROHIBITIONS: The following acts are prohibited in the Restricted Area and on the Restricted Roads and Trails:

- 1) Igniting, building, maintaining, attending, or using a fire (including fires fueled by charcoal or briquettes) **outside** of a permanent metal or concrete fire pit or grate that the Forest Service has installed and maintained at its developed recreation sites (campgrounds and picnic areas). 36 CFR § 261.52(a).
- 2) Smoking, except in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials. 36 CFR § 261.52(d).
- 3) Operating a chainsaw without an effective and properly installed USDA- or Society of Automotive Engineers (SAE)- approved spark arrestor, a chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) kept with the operator, and a round point shovel with an overall length of at least 35 inches readily available for use. 36 CFR § 261.52(j).
- 4) Blasting, welding, or operating acetylene or other torch with open flame without being in a cleared area of at least 10 feet in diameter and keeping a chemical pressurized fire extinguisher (with a minimum 8 oz. capacity and rating of 2A) with the operator. 36 CFR § 261.52(i).
- 5) Using an explosive. This includes but is not limited to fuses, blasting caps, fireworks, rockets, exploding targets, tracers, and incendiary ammunition. 36 CFR § 261.52(b).

EXEMPTIONS:

Pursuant to 36 CFR § 261.50(e), the following persons are exempt from the prohibitions specified below:

- 1) Persons with the following authorizations are exempt from Prohibitions #1, #3, #4, and #5: (i) a valid Forest Service permit or contract specifically authorizing Prohibitions #1, #3, #4, and #5 in the Restricted Area or on the Restricted Roads and Trails in their physical possession and (ii) a written exemption with an appropriate mitigation plan authorized in writing by the appropriate Forest Service official.
- 2) Persons using either of the following devices are exempt from Prohibition #1: (i) a stove or grill solely fueled by liquid petroleum fuels; or (ii) a fully enclosed metal stove, grill, or sheep herder type stove with a chimney at least five feet in length and a mesh screen spark arrestor with a screen opening of ¼ inch or less.
- 3) Any federal, state or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty is exempt from Prohibitions #1, #3, #4, and #5.

Notice regarding Exemptions: The persons exempted above are on notice that they are responsible for conducting activities subject to these exemptions in a safe and prudent manner using extra precautions and are electing to proceed at their own risk. An exemption does not absolve an individual or organization from liability or responsibility for damage, injury or loss to the United States for any fire started while undertaking the exempted activity.

This Order becomes effective at 12:01 am on 20 July 2021 and remains in effect until 31 December 2021 or until rescinded, whichever event occurs first.

Executed in Chadron, NE on this 19th day of July, 2021.

[Name of Supervisor]
Forest Supervisor

A violation of the prohibitions in this Order is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for no more than six months, or both. 16 U.S.C. § 551 and 18 USC §§ 3559 and 3571.