

Special Order Number- BKF-139-2016

Special Restriction-Open Fire Prohibition Black Hills National Forest Within the State Of Wyoming

Pursuant to 16 U.S.C. § 551, and 36 CFR, § 261.50(a), the following acts are prohibited on all National Forest System lands administered by the Black Hills National Forest within the State of Wyoming (the “Restricted Area”). The Restricted Area is depicted on the attached map, hereby incorporated into this Order as Exhibit A. This Order shall be in effect until rescinded or until December 31, 2016 whichever event occurs first.

The purpose of this order is to protect public health and safety due to the current and anticipated elevated risk of wildfire.

PROHIBITIONS:

- 1) Building, maintaining, attending, or using a fire, campfire, barbecue, grill or stove fire. 36 CFR § 261.52(a).

EXCEPT: The use of portable stoves, lanterns using gas, jellied petroleum, pressurized liquid fuel or a fully enclosed (shepherd type) stove with a ¼” spark arrester type screen is permitted.

- 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 a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher with a minimum rating of 2A kept with the operator, and one round point shovel with an overall length of at least 35 inches readily available for use. 36 CFR § 261.52(h).
- 4) Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet in diameter and in possession of a chemical pressurized fire extinguisher with a minimum rating of at least 2A. 36 CFR § 261.52(i).
- 5) Using an explosive. 36 CFR § 261.52 (b).

EXEMPTIONS:

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

- 1) Persons with a permit specifically authorizing the otherwise prohibited act or omission may be eligible for an exemption from Prohibitions #1, #3, #4, and #5.
- 2) 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: Holders of valid permits, leases and authorizations are on notice that when proceeding with activities that are authorized pursuant to these Exemptions, such holders are responsible for conducting authorized activities 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 when signed and will remain in force until rescinded or until December 31, 2016, whichever event occurs first.

Executed in Custer, South Dakota, on this 5th day of July 2016.

/s/ James E. Zornes

James E. Zornes
Acting Forest Supervisor
Black Hills National Forest

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, 18 U.S.C. §§ 3559 and 3571(b),(6).