Northern Rockies Coordinating Group

Fire Restrictions & Closures Guide

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NRCG RESTRICTIONS AND CLOSURES GUIDE

PURPOSE

The purpose of fire restrictions is to reduce the risk of human-caused fires during unusually high fire danger and/or burning conditions. Federal, state, tribal, and local authorities have a responsibility to protect life safety and both private and public lands from the threat of wildfire. Fire restrictions impose many limitations on the public, and therefore should be implemented only after all other prevention measures have been taken. These measures include, but are not limited to increasing the number of prevention signs, public contacts, media campaigns, etc.

Fire restrictions should be considered when high to extreme fire danger is predicted to persist. Other considerations are the level of human-caused fire occurrences being experienced, firefighting resources available, potential high-risk occasions (4th of July, etc.), and large fire activity occurring on a unit. Fire restrictions should not be considered the primary prevention program and all other alternatives should be taken prior to considering fire restrictions.

Emergency closures have an extreme impact on the public. Closures are discouraged except under the most severe conditions. Closures should be implemented in situations where the public's safety cannot be guaranteed. Closures are not justified by fire danger alone, they should be driven by the risk to life safety due to extreme fire behavior, high potential for human-caused fires, severe shortages of resources, and numerous large fires.

Permanent restrictions are those activities that are *always* restricted as determined by a management unit's year-round orders or an agency's/tribal laws and regulations. These guidelines do not include those restricted activities. Any additional need for restrictions builds upon the foundation of these permanent restrictions. Checkwith the land management agency or local agency that has authority for restrictions and closures.

AUTHORITY

This document is a plan for applying fire prevention authorities found in federal code, state law, or tribal and local ordinances. This document by itself has no legal authority. It should be reviewed at a minimum of five-year intervals to ensure proper authorities are being used.

Fire restrictions and closures are invoked on state, federal, tribal trust and private lands under federal and state laws (Appendix 1). Agency Administrators/Tribal Chairpersons are responsible for coordinating with other agencies/tribes, issuing appropriate documents and the enforcement of restrictions and closures for those lands on which they have authority (Appendix 2).

Agencies/tribes are responsible for incorporating the geographic guidelines into their appropriate policy and procedures manuals. Restrictions and closure procedures shall be uniform across individual areas and the geographic area.

The NRCG Operating Plan for Fire Restriction and Closure Procedures tiers from the Cooperative Fire Wildland Fire Protection and Stafford Act Response Agreements for the states of Idaho, Montana, North Dakota and South Dakota. This plan will stay in effect until updated and or rescinded by the NRCG Board.

SCOPE

This document is a collective agreement between the NRCG agencies. These agencies agree to follow the restrictions and closure procedures. Agencies that are not NRCG members may also choose to implement fire restrictions and/or closures and are encouraged to coordinate their actions with their local NRCG partners.

AREAS

For the ease of implementation and coordination, the geographic area will be divided into fire restriction and closure areas (Appendix 3). Managers and Agency Administrators/Tribal Chairpersons within the area will have the flexibility to decide how much of the area needs to be placed in or out of a specific restriction stage or closure. If conditions do not warrant restrictions or closures throughout the whole area, then only that portion of the area meeting critical levels should be placed under restrictions or closures. The area where restrictions or closures are enacted must be easily recognized by the public.

PROCESS FOR FIRE RESTRICTIONS

Annually, the land managers in conjunction with other stakeholders will review and validate the restriction and closure plan. All press releases, description of stages, and other necessary agency/tribal documents should be available in template format before the start of the fire season. Templates are available for federal, state, and county agencies as appendices in this document.

Initiation

As conditions within an area approach threshold levels, cooperators should begin planning for the initiation of fire restrictions. These threshold levels should be determined by all wildland agencies/tribes in the area before the onset of fire season. These guidelines will become part of the Area's Restriction and Closure Plan (Appendix 4).

The planning process for restrictions should include a public awareness campaign, keeping the media and public informed of the possibility of restrictions. The Area Restriction Coordinator, who is chosen by the Agency Administrators/Tribal Chairpersons within the area, should coordinate all restriction actions (Appendix 2). The Area Restriction Coordinator will initiate discussions with the area fire managers and coordinate the process with the adjacent area restriction coordinators. This decision process should be started early enough so all agencies/tribes in the area have time to plan, properly distribute the restriction documents, and notify the public. Restriction and closures should be initiated early in the week so that the public can be well informed before they make recreation plans for the weekend.

When conditions within the area are such that restrictions are warranted, fire managers will inform their respective Agency Administrator/Tribal Chairpersons. All agencies and tribes within an area will coordinate the restriction stages, implementation and rescissions, and timing of media releases. Each agency and tribe will be responsible for communicating their decision within their own agency/tribe.

Implementation

Each Agency Administrator/Tribal Chairperson will be responsible for assuring that documents are completed and signed. The documents will be based on the elements listed in Appendix 5.

The Area Restriction Coordinator will work with the area media coordinator on public notification. Each Area's Restriction and Closure Plan will include a communications strategy. The communications strategy must convey clear, concise, and understandable information to the public. Each agency/tribe will post signs and notifications, according to their procedures and regulations, to inform the public of the restrictions.

Once a restriction is in effect, participating agencies/tribes will not issue exemptions, exceptions, or waivers to the agreed-upon restrictions except through written individual permits, or in the case of industrial operations, where specific operations and exemptions are identified and mitigation measures are implemented as outlined in an agency plan. If permits are issued, affected agencies/tribes within the fire restriction Area will be notified to avoid confusion among law enforcement and fire personnel.

Each agency/tribe will be responsible for informing their employees of the restrictions being enacted. Those responsible for public contact (receptionists, etc.) will be provided with a copy of the restrictions and appropriate map.

Rescissions

Area should plan restrictions for the long-term danger and not jump at short fluctuations in risk, weather, and fire danger/behavior. When Area Agency Administrators/Tribal Chairpersons agree that the restriction should be removed, the Area Restriction Coordinator will work with the area media coordinator to disseminate public information.

PROCESS FOR CLOSURES

When fire danger/behavior threatens firefighter and public safety, the Geographic Agency Administrators can implement large-scale closures. These large-scale closures may involve multiple Areas and/or multiple jurisdictions. Implementation, rescission, and public notification of these closures will occur at the geographic level. Standard exemptions for closures have been agreed upon by the Geographic Agency Administrators and are found in Appendix 6.

Small area closures are typically warranted when there is an on-going incident, extreme fire conditions, and/or when safety of the public and/or firefighters is a concern. These closures should be coordinated and all agencies/tribes within the Area and adjacent Areas should be informed. Exemptions to incident related closures will be authorized by the impacted area's Agency Administrator/Tribal Chairperson and/or the Incident Commander.

APPENDIX 1 AUTHORITIES

Fire restrictions and closures can be invoked on state, federal, and private lands under federal and state laws. The following are a reference of those authorities:

USFS

Must be implemented/ signed by Forest Supervisor or Regional Forester

General authority for the agency to create and enforce regulations:
16 USC 551 and 16 USC 559 grants authority to The Secretary of Agriculture to make rules & regulations governing the occupancy & use of Forests and enforce those regulations.

The regulations are found in Title 36, Code of Federal Regulations Part 261 [36 CFR Part 261]. Congress criminalized the violation of these regulations in the act, and violations are now categorized as Class B misdemeanors.

Closure Orders Scope:
36 CFR 261.50 (a) and (b) – Closure Orders for both (a) area and (b) roads and trails.
36 CFR 261.50 (e) – Exemptions from Orders

General requirements that applies to all closure orders 36 CFR 261.51 – Posting Requirements, etc.

Closures order regulations:
36 CFR 261.52 (General Fire Restrictions)
36 CFR 261.52(e) – Going into or being upon an area

36 CFR 261.53 (Special Closures)
36 CFR 261.53 (e) - area closure for health and public safety

BLM

Federal Land Policy and Management Act of 1976 (Title 43, United States Code, §1701, et. seq.) Title 43, Code of Federal Regulations (CFR) § 9212.2(a).

NPS

Campfires - 36 CFR 2.13 (c)
Smoking - 36 CFR 2.21 (a)
Fireworks - 36 CFR 2.38 (b)
Closures and Public Use Limits – 36 CFR 1.5(a)(1), 1.5(a)(2) and 1.3(a)

BIA

Forest restrictions and closures are issued by the Bureau of Indian Affairs and Agency Superintendent under authority established in:
25 CFR-Indians, the Department of the Interior Manual-Part 620-Wildland Fire Management, and the Indian Affairs Manual-Chapter 90-Wildland Fire Management. A good number of Tribes will issue their own restrictions, bans and closures independent of the Agency. Check with the individual Tribe regarding restrictions before traveling to that Reservation.

BIA uses CFR 25 § 1.4. Tribes have the ability to develop their own restrictions or adopt those used by county or state governments. BIA Agency programs must typically rely on the Regional Director for the authority to adopt the burning restriction laws of a state (25 CFR § 1.4). Some types of restrictions may be developed and adopted by a BIA Agency program in consultation with affected Tribal government.

FWS

A. Protection Act of September 20, 1922 (42 Stat. 857; 16 U.S.C. 594) Authorizes the Secretary of the Interior to protect, from fire, lands under his/her jurisdiction and to cooperate with other Federal agencies, States, or owners of timber.
B. National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 and the Refuge Recreation Act of 1962. (80 Stat. 927) (16 U.S.C. 668dd- 668ee) (16 U.S.C. 460k-460k4). Governs the administration and use of the National Wildlife Refuge System.
C. Federal Fire Prevention and Control Act of October 29, 1974 et seq. (88 Stat. 1535; 15 U.S.C. 2201) as amended. Authorizes reimbursement to State and local fire services for costs incurred in firefighting on Federal property.
Sections 302(b) and 301(a) 43, CFR, Part 9210 (Fire Management) 43, CFR, Part 9212 (Wildfire Prevention)

Confederated Salish & Kootenai Tribes and Flathead Agency

Forest restrictions and closures are issued by the Tribal Chairperson and Agency Superintendent under authority established in 25 CFR 163.3, 25 CFR163.28, the Hell Gate Treaty, the Tribal Constitution, and the Tribal Forest Products Harvesting Ordinance 61C. Forest restrictions and closures may be applied on all tribal trust and tribal fee lands within the exterior boundaries of the Flathead Indian Reservation.

State of Idaho

Using ICA 38-115 as the authority, the State Board of Land Commissioners developed supplemental rules and regulations that the Director of the Department of Lands is responsible to apply.

Rule IDAPA 20.04.01.060 covers campfire and other burning permits; Rule IDAPA 20.04.01.070 provides for area closures;
Rule IDAPA 20.04.01.090 allows for invoking smoking limitations; and
Rule IDAPA 20.04.01.120 permits limiting activities to the least dangerous portion of the day.

In dealing with Idaho on joint restrictions, consider that rules 20.04.01.070 and 20.04.01.120 require newspaper publication, and the State may need more lead time than a Federal agency. Any restriction implemented by the Director of the Department of Lands will apply to forest and rangelands as defined in ICA 38-101.

State of Montana

The parent law for the regulations is Montana Code Annotated (MCA) 76-13-104. Under these regulations, the Administrator of the Forestry Division may invoke fire restrictions by issuing a proclamation.

The Governor must enact a closure under these regulations, not the Administrator, and the regulations provide for the issuance of entry permits. The Montana Governor may also use part of the Military Affairs and Disaster and Emergency Services laws to close an area. MCA 10-3-103(4) defines “disaster” in part, as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or artificial cause including, but not limited to, fires. MCA 10-3-103(8) defines “emergency” as the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize. Montana Department of Fish, Wildlife, and Parks authority to close or restrict recreational activities on lands controlled by the department is found in the Administrative Rules of Montana and MCA 87-1-303.

Montana Counties

The Montana constitution, as well as Montana Code Annotated, provides counties in Montana the authority to impose restrictions and closures.
7-33-2212. Activity restrictions in high fire hazard areas. A board of county commissioners may designate areas on private land or on land that is not under the jurisdiction of a municipality or a state or federal agency as high fire hazard areas.

Except as provided in 87-3-106(2), in designated high fire hazard areas, the board may require all persons, firms, or corporations present or engaged in any activity in those areas to cease operations or activities or to adjust working hours to less critical periods of the day.
The presiding officer of the board may control ingress and egress into a high fire hazard area if an emergency or disaster is declared under the provisions of Title 10, chapter 3, part 4.
(a) An entity that is conducting official business, an entity having actual residence as a permanent or principal place of abode in the designated area, or an entity engaged in employment that does not present a fire hazard must be allowed ingress and egress unless there is a significant risk to human health or safety.
(b) For the purposes of this section, "official business" includes but is not limited to the functions of governmental agencies and the activities of utilities, cooperatives, and telecommunications providers to operate, construct, repair, and maintain utility facilities that are essential to the public.

7-1-101. Self-government powers. As provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

7-33-2205. Establishment of fire season -- permit requirements – reimbursement costs. (1) (a) Subject to the provisions of Title 76, chapter 13, part 1, the county governing body may in its discretion establish controlled burning seasons annually, during which, subject to 76-13-121, a person may not ignite or set a fire, including slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any residential or commercial property, forest, range, or croplands subject to the provisions of this part without having obtained an official written permit or permission to ignite or set a fire from the recognized protection agency for that protection area.

If a person, entity, or representative of a person or entity has entered into a fire hazard reduction agreement pursuant to Title 76, chapter 13, part 4, and is complying with that agreement, open burning may be conducted, subject to 76-13-121, between October 1 and April 30 without obtaining a written permit or permission to set a fire. The person, entity, or representative of a person or entity shall:
Obtain air quality and ventilation forecasts before igniting or setting the fire; and
Notify the county of the location of the burn area.

A permit or permission is not needed for recreational fires measuring less than 48 inches in diameter that are surrounded by a nonflammable structure and for which a suitable source of extinguishing the fire is available.

A person who purposely ignites a fire in violation of this section shall reimburse the county governing body or recognized protection agency for costs incurred for any fire suppression activities resulting from the illegal fire, as provided in 50-63-103.

State of North Dakota

Burn bans may only be issued upon a declaration of a local emergency or disaster pursuant to N.D.C.C 37-17.1-10. Local governments, as well as the Governor, have authority to issue a burn ban under the Emergency Services chapter of the North Dakota Century Code.

Burn bans are classified as a temporary ban on open burning during extended periods of elevated fire danger due to widespread amounts of dry natural vegetation compounded by contributing weather conditions and/or outdoor activities.

As an example on the local level, a burn ban could be issued when the fire danger is below a high category, but local and mutual aid fire resource capabilities have been severely diminished by continual response to multiple area fires created by a combination of weather conditions, abundance of dry natural vegetative or man-made materials and local activities such as holiday celebrations, hunting and/or camping. To protect property and provide for the safety and well-being of citizens, a fire emergency declaration with burn ban documentation could be declared until capabilities to fight fires have been restored and/or conditions improve.

APPENDIX 2 ROLES AND RESPONSIBILITIES

Geographic Agency Administrators

The geographic agency administrators are responsible for:

- Incorporating NRCG guidelines into agency policy and procedures manuals.
- Ensuring that NRCG has the support, they need to perform successfully.
- Ensuring the Area Agency Administrators consistently implement restrictions procedures as described in this document.
- Coordinating the implementation, rescission, and public notification of restrictions on a large-scale basis.
- Coordinating the implementation, rescission, and public notification of closures on a large-scale basis.

Northern Rockies Coordinating Group (NRCG)

NRCG is responsible for:

- Developing and maintaining the Restriction and Closure Procedures.
- Ensuring that training is provided to agency personnel and cooperators.
- Providing a Geographic Restrictions Coordinator.
- Providing a clearinghouse for zone restrictions and closure information.
- Providing fire prevention message support as needed.

Geographic Restriction Coordinator

The geographic restrictions coordinator is responsible for:

- Facilitating the restrictions implementation and rescission process on a geographic basis.
- Monitoring restrictions activity across all Areas.
- Providing an assessment of conditions and issues to the Geographic Agency Administrators.
- Coordinating the need for large-scale closures across all agencies.
- Maintaining a geographic website for restrictions and closures information and serves as the liaison to the webmaster.

Area Agency Administrator and/or Tribal Chairperson

The Area Agency Administrator and/or Tribal Chairperson is responsible for:

- Ensuring the agency/tribe is prepared to implement closures and restrictions
- Identifying and approving agency specific exemptions.
- Ensuring that agency restriction documents are accurate and approved through their legal counsel.
- Ensuring that their agency follows all measures stated in their restrictions document.
- Ensuring agency implementation and enforcement of restrictions and closures.
- Identifying a lead area agency administrator responsible for facilitating the decision-making and implementation process.
- Annually identify and disseminate any permanent restrictions and closures information.

Lead Area Agency Administrator and/or Tribal Chairperson

The Lead Area Agency Administrator and/or Tribal Chairperson is responsible for:

- Ensuring coordination across all agencies and tribes within the zone.
- Developing an Area Restrictions and Closure Plan.

- Selecting an area restriction /closure coordinator.
- Selecting an area media coordinator.
- Following and endorsing the NRCG Restriction Guidelines.
- Ensuring that the restriction and media coordinators have the tools they need to perform successfully.
- Monitoring the enacted restrictions and providing timely feedback to the area restrictions coordinator.

Area Restriction Coordinator

The Area Restriction Coordinator (RC) is responsible for:

- Coordinating the decision-making process.
- Gathering all information needed from each cooperator needed to make informed decisions. Monitoring fire activity, ERC levels as well as prevention efforts.
- Facilitate the restrictions implementation process.
- Coordinating public notification with the media coordinator.
- Communicating and coordinating with neighboring area regarding their restriction and closure activity.
- Monitoring and gathering information for timely rescission of orders.
- Post restriction and closure information on the National and/or State Restrictions website(s).
- Annually facilitate known Agency/Tribal permanent restrictions and closures and provide that information to the Geographic Restrictions Coordinator.

Area Media Coordinator

The Area Media Coordinator (MC) is responsible for:

- Developing a zone communications strategy.
- Primary source to release zone restrictions information to the media.
- Posting media release(s) on the National and/or State Restrictions website.
- Assist Area Restriction Coordinator to post or link restriction and closure information on the National and/or State Restrictions website(s).

APPENDIX 3 AREA BOUNDARIES

IDAHO

Specific detailed map information can be found at: https://www.idl.idaho.gov/fire-management/fire-restrictions-finder/ and by clicking on the area of interest.

Panhandle Area

Includes all lands within Boundary, Bonner, Kootenai, Benewah, Shoshone and Latah Counties.

Grangeville Area

Includes all lands within Nez Perce, Clearwater and Lewis counties. Those portions of Idaho County that are north of the Salmon River (east of Riggins), west of Highway 95 (south of Riggins) and are not federal lands designated as wilderness. Area also includes that portion of Adams County that lies within the Hells Canyon National Recreation Area.

Wilderness Area

Includes all federal lands in Custer, Lemhi, Valley and Idaho Counties that are designated as wilderness, specifically the Frank Church River of No Return, The Gospel Hump and the Selway-Bitterroot Wilderness Areas. Non-federal land inclusions with the wilderness belong to the restriction area that corresponds to the county in which the inclusion lies.

MONTANA

A detailed map can be found at: www.mtfireinfo.org and by clicking on the area of interest.

The state of Montana is broken up into Restrictions Areas.

Northwest Montana Area includes all lands within Flathead and Lincoln Counties, and the portion of Lake County outside of the Flathead Reservation, and all lands administered by the Kootenai and Flathead National Forests, and all of Glacier National Park.

Missoula Area includes all of Mineral, Missoula, and Ravalli Counties, also Granite and Deer Lodge Counties north of Interstate 90, the Flathead Indian Reservation, and the portion of Sanders county outside the Kootenai National Forest.

Great Falls Area includes Cascade, Liberty, Pondera, Teton, and Toole Counties and Glacier County outside of Glacier National Park.

Helena Area includes Lewis and Clark, Meagher, Jefferson and Broadwater Counties and that portion of the Helena – Lewis & Clark National Forest within Powell Co.

Dillon Area includes all of Beaverhead, Deer Lodge, Silver Bow, and Madison Counties. It also includes Granite and Powell Counties south of Interstate 90.

South Central Montana Zone includes Park and Gallatin Counties, and the Custer Gallatin National Forest.

Lewistown Area includes Blaine, Chouteau, Daniels, Fergus, Golden Valley, Hill, Judith Basin, Petroleum, Phillips, Roosevelt, Sheridan, Valley, and Wheatland Counties.

Billings Area includes Big Horn, Carbon, Musselshell, Sweet Grass, Stillwater, Treasure, and Yellowstone Counties.

Miles City Area includes Carter, Custer, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties.

NORTH DAKOTA

A detailed map can be found at: www.ndresponse.gov and by clicking on the area of interest.

The North Dakota Area includes all Dakota Prairie National Grasslands located within Billings, Bowman, Burleigh, Golden Valley, McHenry, McKenzie, Ransom, Richland, Sioux and Slope Counties. All Bureau of Land Management lands within the North Dakota Field Office are also included.

NORTHWEST SOUTH DAKOTA

A detailed map information can be found at: www.wildlandfire.sd.gov

The Northwest South Dakota Area includes all National Forests and Grasslands within the Sioux Ranger District of the Custer Gallatin National Forest and the Grand River District of the Dakota Prairie Grasslands. All Bureau of Land Management lands within the South Dakota Field Office are also included.

APPENDIX 4 GUIDELINES FOR IMPLEMENTING RESTRICTIONS

When weather factors or fire impacts become a concern, the following criteria can be used to help determine if afire restriction is justified. Before the fire season, each area should review these evaluation guidelines to help determine threshold levels that substantiate the need for each restriction. The thresholds for restrictions should well exceed the normal fire season conditions.

Primary Criteria

Fire restriction threshold criteria are derived from the Restriction Coordination Area's Interagency NFDRS Operating Plans as they become available. Area Fire Restrictions Plans should delineate threshold criteria.

Other Criteria May Include

- An increased number of fire are impacting available suppression resources making adequate initial attack difficult
- The area is receiving a high occurrence of human-caused fires
- Adverse fire weather conditions and risks are predicted to continue
- Life safety is jeopardized

APPENDIX 5 STAGE I AND STAGE II RESTRICTIONS

STAGE I AND STAGE II RESTRICTIONS

There will be two fire restriction stages: Stage I and Stage II. Each agency/tribe within a fire restriction area must write its own agency/tribal document that authorizes the restrictions within its jurisdiction. Each agency/tribe is responsible for using its own format and having their legal counsel review the document to assure it is correct and enforceable. Appendix 8 contains the Stage II Fire Restriction Authorized Exemptions for Public Utilities and Railroad Companies. These terms and conditions tie back to Stage II exemptions.

To reduce confusion and standardize the restrictions, the following criteria will be used in all restriction documents, unless prohibited by other regulations/laws such as the State of North Dakota.

Permanent restrictions are those activities that are always restricted as determined by a management unit's year-round orders or an agency's/tribal laws and regulations. These guidelines do not include those restricted activities. Any additional need for restrictions builds upon the foundation of these permanent restrictions. Check with the land management agency or local agency that has authority for restrictions and closures.

Appendix 5 contains examples of suggested language for Federal (CFR), state, and county agencies. Each agency can include or exclude any of the suggested language in this appendix in their orders/proclamations.

APPENDIX 5.1 Federal Restrictions Templates

FEDERAL (Code of Federal Regulations) LANGUAGE

FEDERAL (CFR) STAGE I TEMPLATE

YOUR NATIONAL FOREST
STREET, CITY, STATE, ZIP
Forest Supervisor's Order

STAGE I FIRE RESTRICTION ORDER

Pursuant to 16 U.S.C. §551, and 36 C.F.R. §261.50(a) and §261.50(b), the following acts are prohibited on all National Forest System lands administered by the Lolo National Forest within Your Wilderness. These restrictions are in addition to those enumerated in Subpart A, Part 261, Title 36 Code of Federal Regulations.

PROHIBITION

Building, maintaining, attending, or using a fire or campfire unless noted in the exemptions below. [36 CFR 261.52(a)]
Smoking, except within 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 material. [36 CFR 261.52(d)]

PURPOSE

To minimize wildland fire ignitions, as a result of dry fuel conditions, from human caused sources.

STAGE I RESTRICTIONS AREA
The above prohibitions are in effect on Your National Forest system lands within Your National Forest. See attached map listed as Exhibit A.

IMPLEMENTATION

This Order will be in effect at 12:01 a.m. Mountain Daylight Time on Date, Year and will remain in effect until December 1, 2021 or until rescinded, whichever comes first.

EXEMPTIONS

Pursuant to 36 CFR 261.50(e), the following are exempt from this Order:

- Typical Wilderness Exemption: Persons using a stove fire with spark arrestor within the boundaries of Your Wilderness.
- Persons using a stove or grill solely fueled by liquid petroleum or liquid petroleum gas (LPG) fuels that can be turned on and off, if used in an area that is barren or cleared of all overhead and surrounding materials within three feet of the device.
- Persons with a special use authorization or other Forest Service authorization specifically exempting them from the effect of this Order. 36 C.F.R. § 261.50(e)(1).
- Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty. 36 C.F.R. § 261.50(e)(4)

PENALTY

Violations of these prohibitions are punishable by a fine of not more than $5000 for an individual or

$10,000 for an organization, or imprisonment of not more than 6 months, or both. (16 U.S.C. 551 and 18 U.S.C. 3559 and 3571). Violators can be held liable for all suppression costs and damages if they start a fire.

INFORMATION

A copy of this order shall be posted as prescribed in 36 CFR 261.51. Further information regarding this order may be obtained at Your National Forest Supervisor's Office in Your City, Your State, Your Phone Number

Dated this _____day of Date, Year at Your State, Your Phone Number

_____
First and Last Name
Forest Supervisor
Your National Forest

FEDERAL (CFR) STAGE II TEMPLATE

YOUR NATIONAL FOREST
STREET ADDRESS
CITY, STATE, ZIP
Forest Supervisor's Order

STAGE II FIRE RESTRICTION ORDER

Pursuant to 16 U.S.C. § 551, and 36 C.F.R. §261.50 (a) and §261.50 (b), the following acts are prohibited on all National Forest System lands administered by the Lolo National Forest in Your Counties in Your State. Your Wilderness may be exempt from this order.

PROHIBITIONS

- 36 CFR § 261.52(a) Building, maintaining, attending, or using a fire, campfire or stove fire
- 36 CFR § 261.52(d) Smoking, except within 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 closed of all flammable materials
- 36 CFR § 261.52(h) Operating an Internal Combustion Engine
- 36 CFR § 261.52(i) Welding or operating an acetylene or other torch with open flame

PURPOSE

The purpose of this order is to reduce the probability of human-caused ignitions of wildfire during times of dry fuel conditions.

STAGE II RESTRICTIONS AREA

All National Forest System lands administered by the Your National Forest.

IMPLEMENTATION

This Order will be in effect on Date, Year at 00:01 hours (12:01 am) and shall remain in effect until December 1, 2021, or until rescinded, whichever comes first.

EXEMPTIONS

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

- Persons with a Forest Service special use authorization, or other authorization specifically exempting them from the effect of this Order. If the authorization allows operation of an Internal Combustion Engine or welding or operating an acetylene or other torch with open flame, such acts are prohibited from the hours of 1:00 p.m. to 1:00 a.m. Outside of these hours; a one-hour foot patrol in the work area is required following cessation of these activities.
- Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the device.
- Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the generator.
- Operating motorized vehicles on designated roads and trails.
- Emergency repair of public utilities and railroads conducted in accordance with the attached conditions set forth in Exhibit A. Non-emergency maintenance may be permitted by written exemption.

- Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
- Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- All land within a city boundary is exempted.

PENALTY

Violation of these prohibitions is punishable by a fine of not more than $5,000 for an individual or $10,000 for an organization, or imprisonment for not more than 6 months, or both (16 U.S.C. § 551 and 18 U.S.C. §§ 3559, 3571, and 3581).

INFORMATION

Further information regarding this order may be obtained at the Your National Forest Supervisor's Office in Your Town, ST, (208) 555-1212.
Done at Your Town, Your State this day of Monty, Year.

By: _____

First Last Name
Forest Supervisor
Your National Forest

APPENDIX 5.2 State Restrictions Templates

STATE (Non-CFR) STAGE I TEMPLATE

The following acts are prohibited until further notice:

- Building, maintaining, attending, or using a fire or campfire unless noted in the exemptions below.
- Smoking, except within 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.

Note: for the smoking provision, each agency/tribe must cite their actual regulations/laws; therefore, the wording for the prohibition may be slightly different.

EXEMPTIONS

- Persons with a written permit or special use authorization that specifically authorizes the otherwise prohibited act.
- Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
- Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- All land within a city boundary is exempted.
- Other exemptions unique to each agency/tribe.

If you are going to allow campfires, state the specific location of where they are allowed and with what mitigation measures, if applicable.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

STATE (Non-CFR) STAGE II TEMPLATE

The following acts are prohibited until further notice:

- Building maintaining, attending, or using a fire or campfire.
- Smoking, except within 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.
- Operating motorized vehicles off designated roads and trails.

The following acts are prohibited from 1:00 p.m. to 1:00 a.m.

1. Operating any internal combustion engine.
2. Welding, or operating acetylene or other torch with open flame.
3. Using an explosive.

A one-hour foot patrol in the work area is required following cessation of all activities as identified in #3 above.

Note: for the smoking provision (#2), each agency/tribe must cite their actual regulations/laws; therefore, the wording for the prohibition may be slightly different.

EXEMPTIONS

- Persons with a written permit that specifically authorizes the otherwise prohibited act.
- Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
- Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the generator.
- Operating motorized vehicles on designated roads and trails.
- Emergency repair of public utilities and railroads as per attached conditions. Non-emergency maintenance may also be permitted.
- Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
- Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- All land within a city boundary is exempted.
- Other exemptions unique to each agency/tribe.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

APPENDIX 5.3 County Restrictions Templates

COUNTY STAGE I TEMPLATE

RESOLUTION NO. #
STAGE II RESTRICTIONS WITHIN YOUR COUNTY

WHEREAS,

IT IS HEREBY RESOLVED:

That, per 7-33-2205, MCA, the Board of County Commissioners set the 20XX fire season from the effective date of this resolution until this resolution is rescinded, and

That, during the fire season, a person may not ignite or set a fire, including a slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any residential or commercial property, forest, range, or croplands subject to the provisions of this part without having obtained an official written permit or permission to ignite or set a fire from the recognized protection agency for that protection area with the exception of agricultural burning per 3.d.ii below, and

That, Stage I Fire Restrictions are ordered for all areas of Your County and the following acts are prohibited until further notice:

- Building, maintaining, attending, or using a fire unless noted in the exemptions below.
- Smoking, except within 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.
- Exemptions to the above prohibitions are allowed only for:
- Persons using a fire solely fueled by liquid petroleum or LPG that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within three (3) feet of the device.
- Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- All land within a city or town boundary is exempted.
- Other exemptions unique to Your County including:
- Recreational fires or commercial type of fixed or portable outdoor fireplaces measuring less than 48 inches in diameter that are surrounded by a nonflammable structure and for which a suitable source of extinguishing the fire is available.
- Farmers and ranchers or companies with a valid burn permit and a written permit from the County Fire Warden and/or Local Fire Chief that specifically authorizes the otherwise prohibited act.
- That, the County Fire Warden cease and desist from issuing new open burning permits during this period and suspend existing permits, with the exception of 3.d.ii above, and
- That a person who purposely ignites a fire in violation of this section
- Shall reimburse the county governing body or recognized protection agency for costs incurred for any fire suppression activities resulting from the illegal fire, as provided in 50-63-103 MCA.
- Could be fined up to $5,000 individually or $10,000 for an organization and imprisoned for up to 6 months for up to 6 months for violating restrictions and closures.

Your County Sheriff's Office will enforce this resolution and issue citations to violators where necessary per 7-33-2206, MCA.

COUNTY STAGE II TEMPLATE

RESOLUTION NO. #
STAGE II RESTRICTIONS WITHIN YOUR COUNTY

WHEREAS,

BE IT FURTHER RESOLVED, the following acts are prohibited at any time until further notice:

- Building, maintaining, attending or using a fire or campfire
- Smoking, except within an enclosed vehicle or building, a developed recreation site or while in an area at least three feet in diameter that is barren or cleared of all flammable material
- The use of fireworks
- Operating motorized vehicles off designated roads and trails

The following acts are prohibited from 1:00 pm to 1:00 am:

1. Operating a chainsaw or other equipment powered by an internal combustion engine for felling, bucking, skidding, or firewood gathering
2. Outdoor welding or operating acetylene or other type torch with open flame
3. Using any explosive

A one-hour foot patrol in the work area is required following the cessation of all activities as identified in #1-#3 above.

IT IS FURTHER RESOLVED that the aforementioned restrictions are subject to the following exemptions, which do not relieve an individual or organization from liability or responsibility for any fire started by the exempted activity:

- Persons with written authorization from the Your County Commissioners that specifically authorizes the otherwise prohibited act
- Persons using a cooking device fueled by liquid petroleum or LPG fuels that can be turned on and off, or, within the confines of residential use, a commercial barbeque that utilizes charcoal briquettes.
- Operating generators with an approved spark arresting device within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the generator
- Operating motorized vehicles on designated roads and trails
- Repair, maintenance and construction of infrastructure, public utilities and railroads
- Persons conducting activities in those designated areas where the activity is specifically authorized by written public notice
- Any Federal, State, or local officer, or member of an organized rescue or firefighting force, in the performance of an official duty
- All land within a city boundary is exempted
- Agricultural activity (other than open burning) unrelated to forest harvest if fire extinguisher or fire suppression equipment is immediately available
- Residential and commercial lawn and grounds maintenance
- Construction site activities on private lands, including construction of roads, utilities, and residential or commercial structures, if fire extinguisher or fire suppression equipment is immediately available
- Operations of private businesses to the extent that this resolution compels the private business to deny a customer of the private business to the premises or access to goods or services, or denies a customer of a private business the ability to access goods or services provided by the private business, pursuant to 7-5-121 (2) MCA

IT IS FURTHER RESOLVED that this resolution becomes effective immediately, *Day, Date, and Time*, and shall remain in effect until such time as it may be amended or rescinded by Board of County Commissioners action.

APPENDIX 6 LARGE SCALE CLOSURE GUIDELINES

The Geographic Agency Administrators within the Northern Rockies Geographic Area should review these evaluation guidelines and determine threshold levels that substantiate the need for large scale closures. A large-scale closure is may involve multiple management units and/or multiple jurisdictions.

Examples include:

- Potential loss of life due to extreme fire conditions.
- Potential for extreme fire behavior.
- Stage II restrictions are not effective in reducing the number of human-caused fires.
- Resources across the geographic area are at a critical shortage level.

The following standard exemptions will be allowed during closure and will be noted on all closure documents.

Exemptions:

- Persons with a written permit that specifically authorizes the otherwise prohibited act.
- Emergency repair of public utilities and railroads as per attached conditions.
- Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
- Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- All land within a city boundary is exempted.
- Other exemptions unique to each agency/tribe.

APPENDIX 7 DEFINITIONS

The following definitions should be used as part of, or referenced to, in the restrictions/closure documents that initiate and authorize a Stage I or Stage II Restriction:

Area Agency Administrator/Tribal Chairperson: Field unit agency officials who have jurisdictional responsibilities for Agency lands. Agency officials within a designated restrictions and closure area such as, but not limited to Montana Department of Natural Resources and Conservation, Area Manager; Bureau of Land Management, Field Manager; USDA Forest Service, Forest Supervisor; National Park Service, Park Superintendent; US Fish and Wildlife Service, Refuge Manager.

Campfire: A fire, not within any building, mobile home, or living accommodation mounted on a vehicle, which is used for cooking, branding, personal warmth, lighting, ceremonial, or aesthetic purposes. Campfires are open fires, usually built on the ground, from native fuels or charcoal, including charcoal grills.

Closure: The closing of an area to entry or use.
Large Scale –large areas that may involve multiple management units and/or multiple jurisdictions when fire danger/behavior threatens firefighter and public safety.
Small Scale – closure of a small area when there is an on-going incident, extreme fire conditions, and/or when safety of the public and/or firefighters is a concern.

Designated Roads and Trails: Those roads and trails that are identified to the public by land management agencies.

Exemption: Authorization allowing an otherwise prohibited act or omission.

Emergency Repair: Those actions taken outside the routine to restore critical resources and prevent the start of a fire.

Explosive: Any substance or article, including a device, which is designed to function by explosion (i.e., an extremely rapid release of gas and heat) or which, by chemical reaction within itself, is able to function in a similar manner even if not designed to function by explosion. For the purposes of these restrictions, firearms are not considered an explosive.

Geographic Agency Administrator/Tribal Chairperson: Agency officials at the statewide or regional level who have jurisdictional responsibilities for agency lands, such as: Montana Department of Natural Resources and Conservation, State Forester; Bureau of Land Management, State Director; USDA Forest Service, Regional Forester; Bureau of Indian Affairs, Regional Director; National Park Service, Regional Director; US Fish & Wildlife Service, Regional Director.

Internal Combustion Engine: An engine in which combustion of the fuel takes place in a confined space, producing expanding gases that are used directly to provide mechanical power.

Mitigation Measures: Actions taken to minimize or prevent the possibility of an unwanted ignition.

Patrol: One or more people who will walk through a work area checking for and reporting fires discovered in the vicinity.

Permanent Restriction: Those activities that are ***always*** restricted as determined by a management unit's year-round orders or an agency's/tribal laws and regulations.

Permit: A written document issued by an authorized agency representative to specifically authorize an otherwise prohibited act.

Public Utilities: A government-regulated company that provides an essential public service such as water, gas, electricity, or telecommunications.

Restriction: A limitation on an activity or use.

APPENDIX 8 EXEMPTIONS

STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION FOR PUBLIC UTILITIES
FOR EMERGENCY WORK ONLY

Development and Objective

The Stage II Fire Restriction Authorized Exemption was developed two-fold (1) based on the 2003 permit that was developed by the USFS, BLM and the MT-DNRC in consultation with Northwestern Energy, and (2) the lessons learned in 2000 with an industrial specialist working one on one with public utility companies. The objective for allowing activities to occur from 1300 (1:00 p.m.) to 0100 (1:00 a.m.) is emergency in nature only if mitigation of emergencies is not dealt with in a timely fashion, there is a good probability that the lack of mitigation could lead to a fire start or result in an immediate threat to life and property, or the disruption of a service.

Intent and Administration

The intent of the exemption is to identify emergency conditions and on-site measures required to mitigate those conditions that would otherwise be prohibited under Stage II restrictions. As written, the authorized exemption would allow emergency repairs and be noted on each agency's restrictions document. The exemption would remain in effect until the Stage II restriction was rescinded. The terms and conditions would become part of the agency restriction document and would not require the issuance of permits.

Process

Utility corridor work is authorized by special use permit. Restrictions, and associated exemptions, are stand-alone rules. If an exemption to Stage II is authorized, the work described in the special use permit is authorized. The terms and conditions should not have to be modified. The intent is to ensure that there is consistency across the geographic area and that all operators are treated equally. The Area Restriction Coordinator will facilitate the distribution of the terms and conditions and work with the Area Lead Agency Administrator to ensure agencies throughout the restriction area are consistent in their implementation of the exemptions.

The highlighted areas in the document are those that will be specific to each agency. The information in blue italics is an example of the type of information that the agency would fill in. The agency issuing the restriction document will establish a protocol for communications and coordination. It is highly encouraged that agencies throughout the restriction area work towards establishing a centralized protocol to lessen the impact on the public utility companies.

The example for vehicles in this exemption was developed according to the forest fire rules and regulations for Montana. When used in other states you must utilize the proper requirements for that state and make sure you reference the proper state law or rule.

Exercise of the privileges granted by this exemption constitutes agreement with and acceptance of all terms and conditions herein. This exemption does not absolve a company of any liability or responsibility for any fires ignited by the company's operations.

AREA COVERED BY EXEMPTION

This exemption only applies to *national forest system lands* on the *Kootenai National Forest*. This exemption is only valid under *Kootenai Forest Order F14-067-S-03* signed on *July 6, 2004* and will remain in effect until the order is rescinded.

SCOPE OF EXEMPTED ACTIVITIES

For the purpose of this exemption, public utilities are defined as a government-regulated company that provides an essential public service such as water, gas, electricity, or telecommunications. This exemption covers emergency repairs between 1300 (1:00 p.m.) and before 0100 (1:00 a.m.).

Emergency repairs are defined as an unplanned outage, an unplanned break in operations of a system, an uncontrolled release of natural gas, fire, explosion, or other situations that endangers life, property, or the integrity of the system and associated components.

With the exception of emergency situations, all construction, maintenance and repair of public utilities, including any associated welding/grinding, the use of power tools, the use of acetylene or open flame torches, or the removal of "burners" (tree or limbs in or near the power lines), will follow the timelines established in the Stage II restrictions as per *Kootenai Forest Order F14-067-S- 03.*

CONDITIONS AND MEASURES

Public utilities are hereby authorized the otherwise prohibited activities within their right-of-way per the following conditions and measures.

Emergency Conditions

An emergency is a condition that poses an immediate threat to life and property, or the disruption of a service. The following are typical emergencies associated with public utilities:

- Emergency-removal of trees or limbs in or near electric power lines that create an immediate hazard to cause a direct impingement on the line or have the potential to start a fire.
- Emergency repair of electric transmission or distribution systems due to a power outage such as a broken wire, blown fuse, etcetera.
- Emergency repair of natural gas transmission or distribution system due to an outage on the system such as an uncontrolled release of natural gas, fire, explosion, etcetera.
- Emergency repair of an unplanned break in operations of a system.
- Emergency repair of telecommunications sites.
- Associated welding/grinding, use of power tools, use of acetylene or other torch with open flame required due to the emergency.

On-Site Measures Required

- Any work requiring the emergency use of welding/grinding, acetylene or other torch with open flame, or power tools off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 40 psi at the first outlet, with at least a 200 gallon capacity tank, and with a minimum of 200 feet of hose. All reasonable care should be taken to stay on designated roads. Pumper equipment must be within 100 feet of any operations using welding/grinding, acetylene or other torch with open flame, or power tools.
- The use of a spark shield to surround the entire area is required when welding or grinding.
- One person with communications will be dedicated as a "fire watch" during the above operations, and for two hours after all activity has ceased for the day.
- When power outages occur, the affected line segment will be inspected before being re-energized. Motorized travel off established roads and trails is allowed during the inspection (to detect potential problems that could lead to a fire) of an electric or natural gas segment.

Vehicle Requirements

In addition to the above, all vehicles will meet the *Montana Forest Fire Rules & Regulations, Rule IV and VIII* during the declared forest fire season. This includes the following Montana state requirements:

- One 5-gallon backpack pump. (See note below)
- One serviceable firefighting tool, #0 or equivalent shovel or a Pulaski.
- One fire extinguisher with a minimum 2 ½ pounds capacity and 4 BC or higher rating.
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system.

Note: Two-2 gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one-10 gallon container with an electric pump and 100 feet of ½ inch hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5 gallon backpack pump.

In addition to the above requirement, each vehicle will:

Have one firefighting tool per occupant with a least one tool a # 0 or equivalent shovel or a Pulaski.
Not be parked or driving over flammable vegetation.

NOTIFICATION AND COMMUNICATIONS

[Unit protocols for notification and communication when public utilities are conducting emergency work]
Contact Flathead Interagency Dispatch Center (FIDC) (406-758-5260) by 0900 (9:00 a.m.) to provide daily locations of all activities associated with repair of transmission or distribution system or any associated welding/grinding, or the elimination of "burners". Notifications of emergency response activities will take place no later than the next normal business day.

ENTRY INTO A FIRE AREA
Entry into an active fire area will require the approval of the Incident Commander or the responsible agency administrator. Conditions imposed at that time will require a minimum clothing requirement consisting of 8-inch leather boots, gloves, hardhat, and approved fire retardant (i.e. Nomex) clothing, unless exempted by the Incident Commander.

Agency Administrator Signature and Date

APPENDIX 8.1 STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION RAILROAD COMPANIES FOR EMERGENCY WORK ONLY

Development and Objective

The Stage II Fire Restriction Authorized Exemption was developed two-fold (1) based on the 2003 permit that was developed by the USFS, BLM and the MT-DNRC in consultation with Montana Rail Link and Burlington Northern Santa Fe, and (2) the lessons learned in 2000 with an industrial specialist working one on one with the railroad companies. The objective for allowing activities to occur from 1300 (1:00 p.m.) to 0100 (1:00 a.m.) is emergency in nature only. If mitigation of emergencies is not dealt with in a timely fashion, there is a good probability that the lack of mitigation could lead to a fire start or result in an immediate threat to life and property, or the disruption of a service.

Intent and Administration

The intent of the exemption is to identify emergency conditions and on-site measures required to mitigate those conditions that would otherwise be prohibited under Stage II restrictions. As written, the authorized exemption would allow emergency repairs and be noted on each agency's restrictions document. The exemption would remain in effect until the Stage II restriction was rescinded. The terms and conditions would become part of the agency restriction document and would not require the issuance of permits.

Process

The terms and conditions should not have to be modified. The intent is to ensure that there is consistency across the geographic area and that all operators are treated equally. The Area Restriction Coordinator will facilitate the distribution of the terms and conditions and work with the Area Lead Agency Administrator to ensure agencies throughout the restriction area are consistent in their implementation of the exemptions.

The highlighted areas in the document are those that will be specific to each agency. The information in blue italics is an example of the type of information that the agency would fill in. The agency issuing the restriction document will establish a protocol for communications and coordination. It is highly encouraged that agencies throughout the restriction area work towards establishing a centralized protocol to lessen the impact on the railroad companies.

The example for vehicles in this exemption was developed according to the forest fire rules and regulations for Montana. When used in other states you must utilize the proper requirements for that state and make sure you reference the proper state law or rule.

APPENDIX 8.2 STAGE II FIRE RESTRICTIONS AUTHORIZED EXEMPTION RAILROAD COMPANIES *FOR EMERGENCY WORK ONLY* TERMS AND CONDITIONS TEMPLATE LANGUAGE

Exercise of the privileges granted by this exemption constitutes agreement with and acceptance of all terms and conditions herein. This exemption does not absolve a railroad company of any liability or responsibility for any fires ignited by the company's operations.

AREA COVERED BY EXEMPTION

This exemption only applies to *national forest system lands* on the *Kootenai National Forest*. This exemption is only valid under *Kootenai Forest Order F14-067-S-03* signed on *July 6, 2004* and will remain in effect until rescinded.

SCOPE OF EXEMPTED ACTIVITIES

This exemption covers emergency repairs between 1300 (1:00 p.m.) and before 0100 (1:00 a.m.). Emergency repairs may need to be conducted due to a derailment, damaged line, signal remediation, telecommunications problem, or other situations that endangers life, property, or the integrity of the system and associated components.

With the exception of emergency situations, all construction, maintenance, and repair of rail lines including any associated welding/grinding (including thermite), the use of power tools, the use of acetylene or open flame torches will follow the timelines established in the Stage II restrictions as per *Kootenai Forest Order F14-067-S-03.*

CONDITIONS AND MEASURES

Railroad companies are hereby authorized the otherwise prohibited activities within their right-of-way per the following conditions and measures.

Emergency Conditions

An emergency is a condition that poses an immediate threat to life and property, or the disruption of a service. The following are typical emergencies associated with railroads:

- Emergency repair of a rail that has broken or been damaged.
- Emergency remediation of a track buckle caused by extreme heat.
- Emergency cleanup of a derailment.
- Emergency remediation of a railroad signal.
- Rail relay when larger sections of a rail becomes worn or needs to be replaced.
- Emergency repair of telecommunications sites.
- Associated welding/grinding, use of power tools, acetylene, or other torch with open flame due to the emergency situation.

On-site Measures Required

Any work requiring the emergency use of welding/grinding, acetylene or other torch with open flame, or power tools off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 40 psi at the first outlet, with at least an 80-gallon capacity tank, and with a minimum of 200 feet of hose. All reasonable care should be taken to stay on designated roads. Pumper equipment must be within 100 feet of any operations using welding/grinding, acetylene or other torch with open flame, or power tools.

The use of a spark shield to surround the entire area is required when welding or grinding.
Any work relating to rail relay activity off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 50 psi at the first outlet, with at a least a 600-gallon on site capacity, and with a minimum of 400 feet of hose on site.
One person with communications will be dedicated as a “fire watch” during the above operations, and for two hours after all activity has ceased for the day.
Motorized travel off established roads and trails is allowed during the inspection (to detect potential problems that could lead to a fire) of a rail line segment or repair of a telecommunications site.

Vehicle Requirements

In addition to the above, all vehicles will meet the *Montana Forest Fire Rules & Regulations, Rule IV and VIII* during the declared forest fire season. This includes state of Montana requirements listed below:

- One 5-gallon backpack pump. (See note below)
- One serviceable firefighting tool, #0 or equivalent shovel or a Pulaski.
- One fire extinguisher with a minimum 2 ½ pounds capacity and 4 BC or higher rating.
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system.

Note: Two-2 gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one-10 gallon container with an electric pump and 100 feet of ½ inch hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5 gallon backpack pump.

In addition to the above requirement, each vehicle will:

Have one firefighting tool per occupant with a least one tool a # 0 or equivalent shovel or a pulaski.
Not be parked or driving over flammable vegetation.

NOTIFICATION AND COMMUNICATIONS

[Unit protocols for notification and communication when public utilities are conducting emergency work]
Contact Flathead Interagency Dispatch Center (FIDC) (406-758-5260) by 0900 (9:00 a.m.) to provide daily locations of all activities associated with emergency repair as a result of a derailment, damaged line, signal remediation or telecommunications problem. Notifications of emergency response activities will take place no later than the next normal business day.

ENTRY INTO A FIRE AREA

Entry into an active fire area will require the approval of the Incident Commander or the responsible agency administrator. Conditions imposed at that time will require a minimum clothing requirement consisting of 8-inch leather boots, gloves, hardhat, and approved fire retardant (i.e. Nomex) clothing, unless exempted by the Incident Commander.

Agency Administrator’s Signature Date

APPENDIX 8.3 Federal Utility Project Stage II Fire Restriction Exemption Application

1. Information
    - **a.** Forest
    - **b.** District(s)
    - **c.** Is this an emergency action?
    - **d.** Is this exemption request for an existing project?

2. Project Name & Description
    - **a.** Utility Company Name & Contact Info
    - **b.** Legal Description (Township, Range, Section)
    - **c.** Daily Hours of Operation
    - **d.** Description of Project Location (Attach map, and send GIS Shapefiles if available)
    - **e.** Project Need (Rationale for the Exemption Request)
    - **f.** Proposed Activities (Describe all operations and activities, including staging and laydown areas, equipment that will be used in construction or vegetation management activities. What is the end-result? How will it be accomplished? Are there timing limitations as to when the work can be completed?)
    - **g.** What Prohibitions are you Requesting Exemptions To: (Hoot Owl Restrictions, Welding/Grinding, Off-Route Travel as examples)
    - **h.** Project Manager Contact Information
        - **i.** Name and Title
        - **ii.** Email Address
        - **iii.** Phone Number

APPENDIX 8.4 Federal Exemption Template for Non-Emergency Utility Maintenance

File Code: 2710
Date:

NAME
ADDRESS
Ex. NorthWestern Energy
11 East Park Street
Butte, MT 59701

To: NAME OF APPLICANT

I have received your application for exemption to Stage II Fire Restrictions identified in Forest Order (ENTER ORDER #). Following risk analysis of your proposed activities; In accordance with 36 CFR 261.50(e), the following activities approved by Special Use Authorization (ENTER SPECIAL USE AUTHORIZATION ID) have been exempted from the prohibitions listed in (ENTER ORDER #).

This exemption has no bearing on the terms and conditions of the Special Use Authorization which remains in full force and effect.

Please communicate any changes in the proposed activities as changes in scope will require further review. Additional mitigations have been identified below and are requirements for this exemption. Failure to comply with listed mitigations will result in revocation of this exemption.

***Exempted activity(ies) (the activity(ies) that would otherwise be prohibited in Stage II)*:**

***Location of Activity (GPS, legal, description, or address)*:**

Estimated date when activity will be started and completed:

Start Date ***End Date***

Mitigation measures to be taken (From NRCG Restrictions Guidelines).

- Any work requiring the emergency use of welding/grinding, acetylene or other torch with open flame, or power tools off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 40 psi at the first outlet, with at least a 200 gallon capacity tank, and with a minimum of 200 feet of hose. All reasonable care should be taken to stay on designated roads. Pumper equipment must be within 100 feet of any operations using welding/grinding, acetylene or other torch with open flame, or power tools.
- The use of a spark shield to surround the entire area is required when welding or grinding.
- One person with communications will be dedicated as a “fire watch” during the above operations, and for one hour after all activity has ceased for the day.
- When power outages occur, the affected line segment will be inspected before being reenergized. Motorized travel off established roads and trails is allowed during the inspection (to detect potential problems that could lead to a fire) of an electric or natural gas segment.

Vehicle Requirements:

- One 5-gallon backpack pump (see note below)
- One serviceable firefighting tool, #0 or equivalent shovel or a Pulaski
- One fire extinguisher with a minimum of 2 ½ pounds capacity and 4 BC or higher rating
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system

Note: Two 2-gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one 10-gallon container with an electric pump and 100 feet of ½ inch hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5-gallon backpack pump.

Each vehicle must have one firefighting tool per occupant with at least one tool a #0 or equivalent shovel or a Pulaski. The vehicle is not to be parked or driven over flammable vegetation.

_____

APPROVING OFFICIAL DATE

APPENDIX 8.5 State Exemption Template – Public Utility

STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION
NORTHWESTERN UTILITY OPERATIONS WITHIN MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION'S (DNRC) *NAME* LAND OFFICE (XXLO) *or County Name*
TERMS AND CONDITIONS
EFFECTIVE: *DATE*

Exercise of the privileges granted by this exemption constitutes agreement with and acceptance of all conditions and measures therein. This exemption does not absolve an individual or company of any liability or responsibility for any fires ignited by the individual, company, or organization's operations.

AREA COVERED BY EXEMPTION
This exemption only applies to all State lands and private lands defined as classified forest lands lying within the boundary of the *Name* Unit of the DNRC – *NAME* Land Office (XXLO). This exemption is only valid under the Stage II Proclamation signed by the State Forester, effective *Time and Date,* and will remain in effect until rescinded.

SCOPE OF EXEMPTED ACTIVITIES
Activities primarily associated with utility maintenance operations (pole replacement work or transmission line clearing work):

Location Description kV pole maintenance/replacement project *XXXX – DNRC Unit Name*
Location Description line clearing work *XXXX – DNRC Unit Name*

Sample language related to line clearing work if NOT authorized because, for example, the land office may not want to exempt line clearing work between 1 pm and 1 am: "Please note that proposed projects that entail vegetative management (location description) are not authorized as exempted activities at this time and must be performed according to the current restriction guidelines.

CONDITIONS AND MEASURES

- Individuals involved in utility maintenance operations are hereby authorized to engage in the activities otherwise prohibited under the State II Proclamation, specifically the use of internal combustion engines in utility maintenance operations, between the hours of 1:00 P.M. and 1:00 A.M., with the following conditions and measures:
- DNRC Unit Managers are notified of timing and location of activities on the day(s) maintenance will be occurring
- At least one person with communications equipment and the capability to notify 911 immediately in the event of a fire will be dedicated as a "fire watch" during the above operations and will patrol for 2 hours after all activity has ceased for the day
- In the case of emergency repair, the following on-site measures are required:
- Any work requiring the emergency use of welding/grinding, acetylene or other torch with open flame, or power tools off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 40psi at the first outlet, with at least a 200 gallon capacity tank, and with a minimum of 200 feet of hose. All reasonable care should be taken to stay on designated roads. Pumper equipment must be within 100 feet of any operations using welding/grinding, acetylene or other torch with open flame, or power tools
- The use of a spark shield to surround the entire area is required when welding or grinding
- When power outages occur, the affected line segment will be inspected before being re-energized
- Motorized travel off established roads and trails is allowed during the inspection (to detect potential problems that could lead to a fire) of an electric or natural gas segment

In addition to the above, all vehicles will meet the Montana Forest Fire Rules & Regulations, Rule IV and VIII during the declared forest fire season. This includes:

- One 5-gallon backpack pump or similar water source* sufficient for immediate action on a fire start
- One firefighting tool per occupant with at least one tool being a serviceable shovel or Pulaski
- One fire extinguisher with a minimum of 2 ½ pounds capacity and 4 BC or higher rating on all equipment involved in the operation
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system
- No vehicle will be parked or driven over flammable vegetation unless it is necessary during a power outage/emergency inspection.

*Note: Two 2-gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one 10-gallon container with an electric pump and 100 feet of ½ hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5-gallon backpack pump.

The fire protection agencies may terminate this variance at any time.

Signatures of authorized agency representative (Area Manager) and date(s)

Contact information listed here

APPENDIX 8.6 State Exemption Template – Crop Harvesting

STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION
NORTHWESTERN UTILITY OPERATIONS WITHIN MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION'S (DNRC) *NAME* LAND OFFICE (XXLO) *or County Name*
TERMS AND CONDITIONS
EFFECTIVE: *DATE*

Exercise of the privileges granted by this exemption constitutes agreement with and acceptance of all conditions and measures therein. This exemption does not absolve an individual or company of any liability or responsibility for any fires ignited by the individual, company, or organization's operations.

AREA COVERED BY EXEMPTION
This exemption only applies to all State lands and private lands defined as classified forest lands lying within the *County Name or* boundary of the *Name* Unit of the DNRC – *NAME* Land Office (XXLO). This exemption is only valid under the Stage II Proclamation signed by the State Forester, effective *Time and Date,* and will remain in effect until rescinded.

SCOPE OF EXEMPTED ACTIVITIES
Activities primarily associated with crop harvesting operations.

CONDITIONS AND MEASURES

- Individuals involved in crop harvesting operations are hereby authorized to engage in the activities otherwise prohibited under the Stage II Proclamation, specifically the use of internal combustion engines in crop harvesting operations, between the hours of 1:00 P.M. and 1:00 AM., with the following conditions and measures.
- At least one person with communications equipment and the capability to notify 911 immediately in the event of a fire will be dedicated as a "fire watch" during the above operations and will patrol for 2 hours after all activity has ceased for the day
- Till an area no less than 20 feet wide around the entire circumference of the field being harvested immediately following the first pass of the harvesting equipment around the field.
- Assure that tillage equipment is available to take immediate action on a fire start

In addition to the above, all vehicles will meet the Montana Forest Fire Rules & Regulations, Rule IV and VIII during the declared forest fire season. This includes:

- One 5-gallon backpack pump or similar water source* sufficient for immediate action on a fire start
- One firefighting tool per occupant with at least one tool being a serviceable shovel or Pulaski
- One fire extinguisher with a minimum of 2 ½ pounds capacity and 4 BC or higher rating on all equipment involved in the operation
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system

*Note: Two 2-gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one 10-gallon container with an electric pump and 100 feet of ½ hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5-gallon backpack pump.

The fire protection agencies may terminate this variance at any time.

Signatures of authorized agency representative (Area Manager) and date(s)

Contact information listed here

APPENDIX 8.7 State Application for Stage II Exemption

Permit Stage II Restrictions: Application for Exemption Permit

Name (printed) Business or Agency Name

Address Phone(s) – Office, Home, Cellular Email Address

Location of activity (Township, Range, Sec; Lat/Long; or street address) _____

Estimated time and date when activity will be started and completed: ___
Start Date / Time End Date / Time

Purpose for exemption - Describe in detail work to be performed: _____

Why is this prohibited activity essential? _____

Mitigation Requirements – Detail what mitigation efforts will be put into place to prevent and suppress any wildfires that may beignited by your project. (i.e. Gallons of water, pump and length of hose, feet of area cleared of vegetation, firefighting equipment/tools present, fire extinguishers on site, number of personnel, time of completion, time spent monitoring, etc.). Other mitigation measures may be required.

THIS PERMIT DOES NOT ABSOLVE, WAIVE, OR LIMIT WHATSOEVER THE SIGNATORY FROM LIABILITY, COST, LEGALITY OR RESPONSIBILITY FOR ANY FIRE STARTED BY THIS PERMITED ACTIVITY. **IF YOU CAUSE A FIRE YOUARE LIABLE FOR ANY AND ALL FIRE SUPPRESSION COSTS, DESPITE THE FACT YOU HAVE BEEN ISSUED THIS PERMIT.**

Name and Signature of Person Requesting Permit and Acknowledging the above Mitigation Measures
Date

Approved by

Approved by

Appendix 8.8 Grassland Emergency Fire Closure Order

UNITED STATES DEPARTMENT OF AGRICULTURE
UNITED STATES FOREST SERVICE
DAKOTA PRAIRIE GRASSLANDS
EMERGENCY FIRE CLOSURE ORDER

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50 (a) and (b) the following acts are prohibited on all National Forest System lands within the Little Missouri National Grasslands, Dakota Prairie Grasslands, described below and shown on the attached map incorporated into this Order as Exhibit A:

1. Building, maintaining, attending, or using a fire, campfire, or stove fire. [36 CFR 261.52(a)].

2. Smoking, except within 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 material. [36 CFR 261.52(d)].

3. Being on a non-surfaced (Prairie Two Track) National Forest System Road with a wheeled motor vehicle. [36 CFR 261.54(a)]

   Prairie Two Track Definition: Parallel wheel depressions in the soil with no other recent visible maintenance work to maintain the road. (No grading, continuous aggregate surface, etc.)

EXEMPTIONS

Pursuant to 36 CFR 261.50 (e), an order may exempt any of the following persons from any of the prohibitions contained in the order:

1. Persons with Forest Service Permit No. FS-7700-48, specifically exempting them from this Order or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 251.50(e)(1) or (2).

2. Persons using a stove or grill solely fueled by liquid petroleum or liquid petroleum

gas (LPG) fuels that can be turned on and off, if used in an area that is barren or cleared of all overhead and surrounding materials within three feet of the device.

3. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

AREA DESCRIBED

All National Forest System Lands within Billings, Golden Valley, McKenzie, and Slope Counties, North Dakota.

PURPOSE

The purpose of this Order is to provide for the public's health and safety and to protect National Forest System lands, resources, and facilities during the current period of severe fire danger.

IMPLEMENTATION

1. This Order shall be in effect from April 10, 2025 at 5:00 PM through May 15, 2025 at 11:59 pm, unless rescinded.

2. A map identifying the Described Area/Roads is attached and made part of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to https://www.fs.usda.gov/alerts/dpg/alerts-notices.

3. 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.

4. 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.

5. Contact the McKenzie Ranger District in Watford City, ND (701) 842-8500, Medora Ranger District in Dickinson, ND (701) 227-7800, and Dakota Prairie Grasslands Supervisor's Office in Bismarck, ND, (701) 989-7300, for more information about this Order.

6. This Order supersedes any previous Orders prohibiting the same or similar acts on the same Restricted Area. Order #01-18-00-24-01 still remains in place until it's expiration date.