

**U.S. FOREST SERVICE
PIKE and SAN ISABEL NATIONAL FOREST
COMANCHE AND CIMARRON National Grassland
FIRE RESTRICTIONS GUIDE**

Fire Restrictions Guide

2021



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FIRE RESTRICTIONS GUIDE
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Approved By : /s/ _____ **Date:** _____
William King
PSICC Fire Management Officer

PURPOSE OF FIRE RESTRICTIONS & EMERGENCY CLOSURES

The purpose of fire restrictions and closures is to reduce the risk of human-caused fires during unusually high fire danger and/or burning conditions, and for the protection of human life and property. Fire restrictions impose many limitations on the general public, and therefore should be implemented only after all other prevention measures have been taken. These measures may include, but are not limited to: increasing the number of prevention signs; public contacts; media campaigns, other proactive outreach, public education efforts and patrols. 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. Restrictions are not considered to be the equivalent of a prevention program.

Fire restrictions and closures are invoked on federal, state, county, and private lands under federal and state laws. The Pike and San Isabel National Forest Service, Cimarron & Comanche National Grasslands (PSICC) will coordinate with other agencies including, but not limited to all Federal land management agencies, Colorado Division of Fire Prevention and Control, Colorado State Parks, county sheriffs, county offices of emergency management, and local fire departments. PSICC administrators will issue appropriate documents and are responsible for enforcing restrictions and closures for those lands on which they have jurisdiction. Restrictions and closure procedures should be uniform across administrative and geographic boundaries. Public information about restrictions must be broad-based, clear, and coordinated.

Annually, the parties to the Annual Operating Plan shall review the restriction and closure procedures and monitor the previous year's use of the procedures to ensure restrictions and closures are implemented consistently. At this time the parties will also evaluate and coordinate fire prevention, education, and outreach efforts. Any changes in agency contacts or administrators will be documented, with the development or amendment of a contact/communications plan. All press releases, description of stages, and other necessary agency documents will be available in template format before the start of the fire season. Development and issuance of news releases will be coordinated with all agencies for any implementation or rescission of fire restrictions or area closures.

When the conditions within an area approach threshold levels, appropriate agency personnel make recommendations to Agency Administrators, who in turn should consult with each other and initiate coordinated restrictions/closure procedures. These threshold levels should be determined by all wildland management agencies in the Pueblo Interagency Dispatch area before the onset of fire season and will become part of the Annual Operating Plan. The planning process for restrictions will include a public awareness campaign, keeping the media and public informed of the possibility of restrictions and/or closures.

Fire restrictions and closures should be planned for the long-term danger and not change at short-term fluctuations in risk, weather, and fire danger/behavior. The agencies will coordinate all public information. It is the responsibility of each Agency Administrator

to notify their cooperating agencies on decisions made about fire restriction or area closure implementation and rescission.

For fire restriction/closure orders that restrict/close an area to shooting activities due to fire ignition potential/wildfire risk, are not yet in effect. Forest is working on NEPA to get it authorized.

INITIATION:

1. When the factors identified in the FIRE RESTRICTION EVALUATION GUIDELINES approach critical levels for an area, begin considering the initiation of a fire restriction. The Unit Fire Management Officer (FMO) or designee will contact forest leadership and other agencies within the Pueblo Interagency Dispatch Center (PIDC) area to coordinate. If necessary the Forest FMO will initiate discussion to both implement and rescind fire restrictions within the boundaries of the Pueblo Interagency Dispatch area. **Agencies may implement or rescind fire restrictions within thier boundaries even if other cooperators don't agree.**
2. Once the unit has decided to implement restrictions, the PSICC Public Affairs Officer (PAO) will assemble a draft order and supporting documents including a news release, sending them to the Forest FMO for review. If template is not used then the draft documents will be forwarded to Law Enforcement Officer assigned to the PSICC for a review and then the LEO will forward to Office of General Council for approval.
3. PSICC will post signs and notifications according to their regulations to inform the public of the restrictions.
4. Once a restriction is in effect, PSICC leadership will not issue exemptions, exceptions, or waivers to the agreed-upon restrictions except through written individual permits. If written exemptions are given, affected agencies within the fire restriction area will be notified to avoid confusion among law enforcement and fire personnel.
5. Forest Public Affairs Officer (PAO) will inform PSICC personnel of the restrictions being enacted and changes in their daily routine to compensate for the increased fire danger. Those responsible for public contact (VIS, etc.) will be provided with a copy of the restrictions and appropriate map.

Each agency in Pueblo Interagency Dispatch Area will be updated on restriction status as changes occur.

RESCINDING RESTRICTION:

Removal of the restrictions will follow the same Procedures outlined above. The majority of Agency Administrators (review Concurrence Group listing for each fire restriction area) and fire personnel must agree that the restriction should be removed (trigger points for rescinding restrictions have been reached) in that fire restriction area.

FIRE RESTRICTION EVALUATION GUIDELINES

When weather factors or fire suppression impacts become a concern, the following criteria will be used to determine if a Fire Restriction will be used by area. Weather data from RAWS weather stations in each Fire Restriction Area is used to make the determination. When more than one station must be evaluated in an area, average the output to arrive at the following criteria:

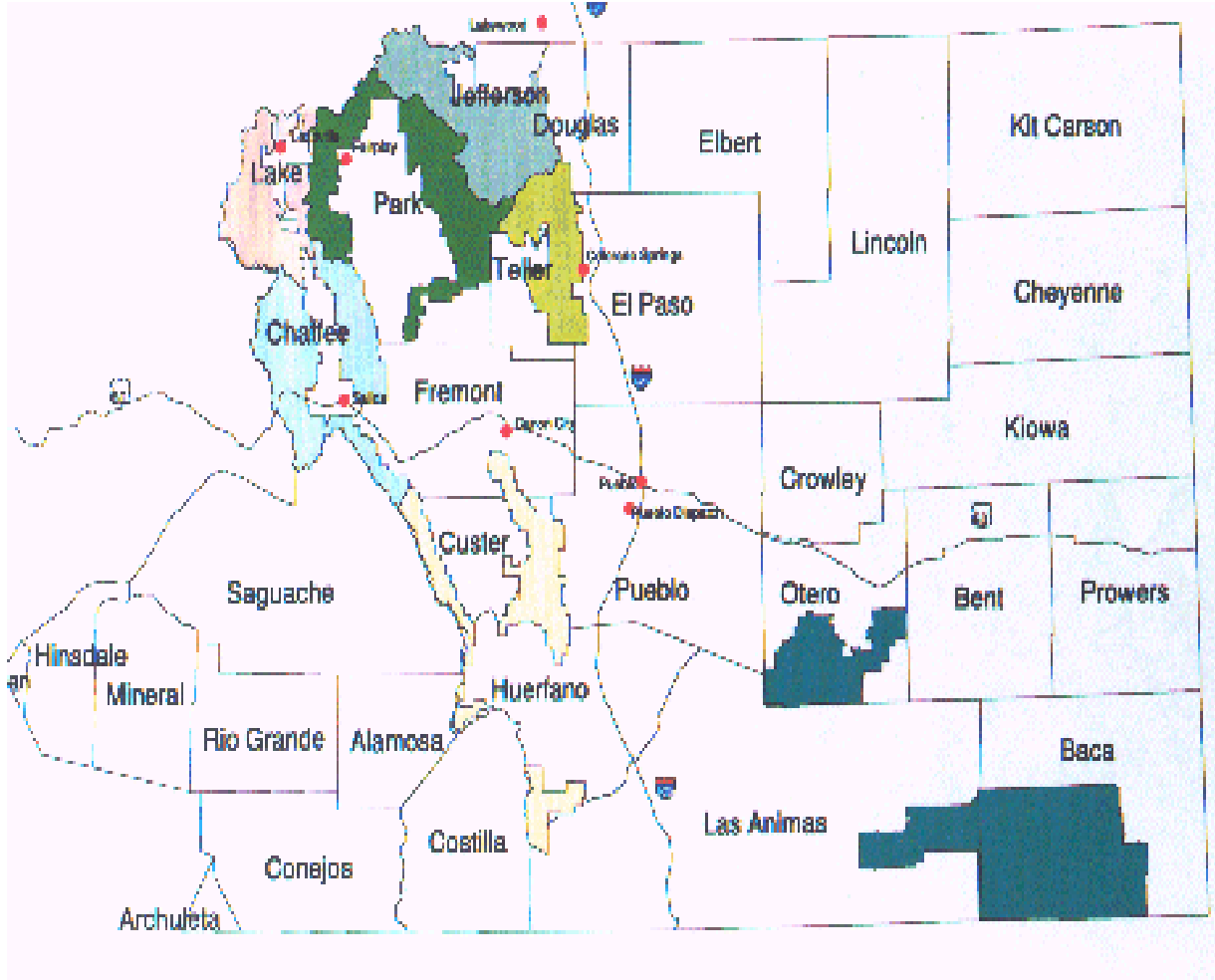
- _____ 1,000 HOUR FUEL MOISTURE CONTENT IS 12% OR LESS.
- _____ 3 DAY MEAN ENERGY RELEASE COMPONENT (ERC) IS AT THE 90TH PERCENTILE OR ABOVE.
- _____ FIRE DANGER RATING ADJECTIVE CLASS IS AT VERY HIGH OR EXTREME.
- _____ FIRES ARE IMPACTING AVAILABLE SUPPRESSION RESOURCES MAKING ADEQUATE INITIAL ATTACK DIFFICULT
- _____ AREA IS RECEIVING A HIGH OCCURRENCE OF HUMAN-CAUSED FIRES OR THE HUMAN CAUSED RISK IS PREDICTED TO INCREASE.
- _____ ADVERSE FIRE WEATHER CONDITIONS AND RISKS ARE PREDICTED TO CONTINUE.
- _____ ZONE FIRE PREPAREDNESS LEVEL OF 4 OR ABOVE

STAGE I: IF AT LEAST 3 OF THE CONDITIONS ABOVE ARE MET, CONSIDER INITIATING A STAGE I RESTRICTION.

STAGE II : CONSIDER INITIATING A STAGE II RESTRICTION AFTER A STAGE I RESTRICTION HAS BEEN IN EFFECT AND 4 OR MORE OF THE CONDITIONS ABOVE ARE IMPACTED.

STAGE III : CONSIDER INITIATING A STAGE III AREA CLOSURE AFTER A STAGE II RESTRICTION HAS BEEN IN EFFECT AND 5-6 OR MORE OF THE CONDITIONS ABOVE ARE IMPACTED.

PUEBLO INTERAGENCY FIRE RESTRICTIONS AREAS:



CONCURRENCE GROUP: A majority of the following agencies must coordinate to authorize the standard fire restrictions prior to initiating or rescinding those restrictions. The *Fire Restriction/Orders Contact list and Process chart* is intended to show the initial points of contact for those occasions where increased coordination is required to implement fire restrictions or closures on a given administrative unit. As an example, the Pueblo Interagency Advisory Board (PIAB) representative for non-federal jurisdictions is the Colorado Division of Fire Prevention & Control (DFPC) Regional FMO's. The DFPC Regional FMO's are responsible to make initial contact with their respective Counties as shown below.

Note: Cimarron NG and land boundary sharing Morton & Stevens counties are the only part of Kansas that the PSICC coordinates fire restrictions with.

FIRE RESTRICTION/ORDERS CONTACT LIST AND PROCESS CHART

FEDERAL AGENCY	POINT of CONTACT	>>>>NOTIFICATION PROGRESSION>>>>
SLVPLC	Chad Lewis 719-850-2380 cell chad.lewis@usda.gov	Rio Grande National Forest Office: 719-852-6292- Fire Duty Officer Number
BLM	Ty Webb 719-429-3172 cell twebb@blm.gov	Front Range Fire and Aviation Management Unit Office: 719-269-8560- Fire Duty Officer Number
USFWS	Bill Waln (620) 486-2304x222 (620) 727-3466 cell Bill_Waln@fws.gov	Rocky Flats NWR Two Ponds NWR Leadville Hatchery San Luis Valley NWR Complex / Baca NWR
NPS	Mike Lewelling (970)-586-1287 (970) 232-5326 cell Mike_Lewelling@nps.gov	Sand Dunes Florissant Fossil Beds Bents Old Fort Sand Creek
USFS	Bill King (719) 248-7140 cell william.king@usda.gov	Pike and San Isabel NF, Cimarron and Comanche NG Office: 719-553-1414
Colorado Division of Fire Prevention & Control	POINT of CONTACT	NOTIFICATION PROGRESSION
San Luis Valley Region	Devin Haynie (719)-464-5345 cell devin.haynie@state.co.us	Saguache, Mineral Rio Grande, Alamosa Conejos, Costilla
Table Mountain Region	Daniel Battin (303)-594-8844cell daniel.battin@state.co.us	Arapahoe, Douglas Elbert, Jefferson Denver, Clear Creek, Lincoln
Arkansas River Region	Joe LoBiondo (719)-466-3341 cell (719)-275-6865 office joseph.lobiondo@state.co.us	Custer, Fremont Pueblo, Huerfano Las Animas
Pikes Peak Region	Brenda Wasielewski (719)-963-7838 cell brenda.wasielewski@state.co.us	El Paso, Park Teller, Chaffee Lake
Southern Plains Region	Larry Long (719) 351-0994 cell larry.long@state.co.us	Baca, Bent, Crowley, Cheyenne, Otero, Kiowa and Powers
North East District Chief	Matt Branch 970-222-8996 cell wilson.branch@state.co.us	Table Mountain, South Platte, Coal Creek and Big Thompson Regions
South East Distict Chief	Paul Duarte (719)-850-2387 paul.duarte@state.co.us	Pikes Peak, San Luis Valley, Arkansas River, South Plains Regions

In the event that conditions on a given administrative unit require the implementation of fire restrictions either Stage I or Stage II, or an Stage III Area Closure, the following process will be followed for:

* Review process of the order and news release prior to dissemination

- * Notification to the Pueblo Fire Advisory Board members
- * Dissemination of the order
- * Dissemination of the Media News Release
- * Contacts with law enforcement on forest
- * Contacts to concessionaires
- * Post to web

DISEMINATION PROCESS:

Once the Orders have been approved by the Forest Supervisor the PSICC PAO or Fire PIO will disseminated as follows:

PSICC PAO will have the signed order posted to the PSICC web site.
 PIDC will post the signed order posted to the PIDC web site .

Orders Coordinator will e-mail to (all PSICC employee pdl) (Fire Restriction pdl) (media pdl) a copy of the signed order and PSICC PAO or Fire PIO will send the signed order and news release to the following contacts:

The Fire Restriction PDL should include:

- * all PSICC employees
- * Neighboring NF PAO's
- * Brant Porter BLM Canon City (bepporter@blm.gov)
- * Lawrence Lujan Regional Press Officer (lawrence.lujan@usda.gov)
- * Troy Hagan Fire Operations R-2 (troy.hagan@usda.gov)
- * Sheryl Page R2 Fire Protection Specalist (sheryl.page@usda.gov)
- * Adjacent Forest Fire Management Officers

*Forest Law Enforcement (LEO) including:

- | | |
|------------------|--|
| Nick Walters | R2 Special Agent (nicholas.walters@usda.gov) |
| Andrew Prys | R2 Special Agent (andrew.prys@usda.gov) |
| Phil Strehle | Leadville & South Park RD's LEO (phillip.strehle@usda.gov) |
| Thomas Dunfee | San Carlos RD LEO (thomas.dunfee@usda.gov) |
| Steven May | National Grasslands LEO (steven.may@usda.gov) |
| Earl Huie | Pikes Peak RD LEO (earl.b.huie@usda.gov) |
| Jon Pfeiffer | Pikes Peak RD Reserve LEO (jon.pfeiffer@usda.gov) |
| Jill Wick | South Park RD LEO (jill.wick@usda.gov) |
| Egidio Fantauzzi | South Platte, South Park LEO (egidio.fantauzzi@usda.gov) |

*State Contact: Micki Trost (Colorado Office of Emergency) Colorado Fire Restriction Web Site
micki.trost@state.co.us
<http://www.coemergency.com/p/fire-bans-danger.html>

CO-DFPC Caley Fisher: 720-391-1565 (caley.fisher@state.co.us)

Pueblo Dispatch will email order and news release to:

- *Adjacent Forest Dispatch centers (Pueblo Dispatch can forward)
- *Cooperators PIDC Fire Advisory Board Members (Pueblo Dispatch can forward)
- *RMACC Rocky Mountain Coordination Center (Pueblo Dispatch can forward)
- *Sheriff Counties that are within PIDC Zone (Pueblo Dispatch can forward)

STAGE I, II AND III RESTRICTIONS

There will be three fire restriction Stages: Stage I, Stage II and Stage III. Each Agency in the Fire Restriction Area must write their own Special Order which authorizes the restrictions within their jurisdiction. Each is responsible for using their agencies format and having their Law Enforcement personnel review the Order to assure it is legally correct and enforceable. To reduce confusion and standardize the restrictions, the following criteria will be used in all Orders:

STAGE I:

The following acts are prohibited on the public land, roads, and trails described herein, until further notice:

- 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).

STAGE II:

The following acts are prohibited on the public land, roads, and trails described herein, until further notice:

- 1) Igniting, building, maintaining, attending or using a fire, including fires in **developed recreation sites (campgrounds and picnic areas)**, charcoal grills and barbecues, coal and

- wood burning stoves, and shepherd's stoves. 36 CFR § 261.52(a).
- 2) Smoking, except within an enclosed vehicle, trailer, or building. 36 CFR § 261.52(c).
 - 3) Blasting, welding, or operating acetylene or other torch with open flame. 36 CFR § 261.52(i).
 - 4) Operating or using any internal combustion engine without an effective and properly installed USDA- or Society of Automotive Engineers (SAE)- approved spark arrestor. 36 CFR § 261.52(j).
 - 5) Operating a chainsaw without an effective and properly installed USDA- or SAE- approved spark arrestor, a chemical pressurized fire extinguisher (with a minimum of 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(h).
 - 6) 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).
 - 7) Possessing or using a motor vehicle off established roads, motorized trails or established parking areas, except when parking in an area devoid of vegetation within 10 feet of the vehicle. 36 CFR § 261.56.

STAGE III:

Stage III is a closure. This stage is selected when there is very high risks to human life or Property and the ability to manage those risks using Stage I or Stage II restrictions is no longer viable.

DEFINITIONS:

The following definitions should be used as part of, or referenced to, in the Special Orders or Laws that initiate and authorize a Stage I or Stage II Restriction:

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. Campfire includes "fire".

RESTRICTIONS: A limitation on a activity or use.

CLOSURE: The closing of an area to entry or use.

STOVE FIRE: A campfire built inside an enclosed stove, grill or portable brazier, including a space heating device.

DEVELOPED RECREATION SITE: An area which has been improved or developed for recreation. A developed recreation site is signed as and agency-owned campground or picnic area and identified on a map as a site developed for that purpose.

DESIGNATED AREA: A geographic area defined by an agency in which specific land use activity is occurring.

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

CHAINSAW: A saw powered by an internal combustion engine, with cutting teeth linked in an endless chain.

MOTORIZED EQUIPMENT: Any equipment or vehicles propelled by an internal combustion engine.

DESIGNATED ROADS AND TRIALS: Those roads and trails which are identified on maps regularly provided to the public by Land Management agencies.

DISCHARGING A FIREARM AIR RIFLE, OR GAS GUN: To discharge with a missile from a gun or any firearm.

Other Documents Attached

Signed Rocky Mountain Region Fire Restriction and Closure Templates Letter

R2 Stage 1 Template 2021

R2 Stage 2 Template 2021

Fire Area Closure Template 2021

Regional Order Checklist

R2 Fire Restriction Toolbox 2021 (link below)

<https://usfs.box.com/s/pgrqvxkda5ge7ucel9rnx40x1qq7386w>

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
[Name of Forest] NATIONAL FOREST
[List names of Districts affected if not all of Forest included]

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 [if necessary insert that part of the Forest that is covered by the Order] the [Name of Forest] National Forest in the State of [insert State name] (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 [DATE] and remains in effect until [DATE] or until rescinded, whichever event occurs first.

Executed in [City, State], on this _____ day of _____, [current year]

[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 organizations, or imprisonment for more than six months, or both. 16 U.S.C. § 551 and 18 USC §§ 3559 and 3571

Instructions

The file should be saved as Initials of the Forest, Year, type of Closure Order (ex -BHNF-2021-Stage2Fire)

If the Stage 2 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

[Name of Forest] NATIONAL FOREST

[List names of Districts affected if not all of Forest included]

STAGE 2 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 [if necessary insert that portion of the Forest covered by the Order] the [name of Forest] National Forest located within [insert name of counties covered by Order} Counties, State of [insert state name], ("the Restricted Area") and on all roads and trails located with 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 in **developed recreation sites (campgrounds and picnic areas)**, charcoal grills and barbecues, coal and wood burning stoves, and sheepherder's stoves. 36 CFR § 261.52(a).
- 2) Smoking, except within an enclosed vehicle, trailer, or building. 36 CFR § 261.52(c).
- 8) Blasting, welding, or operating acetylene or other torch with open flame. 36 CFR § 261.52(i).
- 9) Operating or using any internal combustion engine without an effective and properly installed USDA- or Society of Automotive Engineers (SAE)- approved spark arrestor. 36 CFR § 261.52(j).
- 10) Operating a chainsaw without an effective and properly installed USDA- or SAE- approved spark arrestor, a chemical pressurized fire extinguisher (with a minimum of 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(h).
- 11) 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).
- 12) Possessing or using a motor vehicle off established roads, motorized trails or established parking areas, except when parking in an area devoid of vegetation within 10 feet of the vehicle. 36 CFR § 261.56.

(Include as 8 if there is any current State fire ban code: Violating State law

_____. 36 CFR § 261.52(k).

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, #5, #6 and #7: (i) a valid Forest Service permit or contract specifically authorizing Prohibitions #1, #3, #4, #5, #6 and #7 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) Any Federal, State or local officer or member of an organized rescue or firefighting force in the performance of an official duty is exempt from Prohibitions #1, #3, #4, #5, #6, and #7.
- 3) Persons using pressurized liquid or gas devices (stoves, grills or lanterns) with shut-off valves in an area at least three feet from any flammable materials are exempt from Prohibition #1.
- 4) Residents, owners or lessees within the Restricted Area, who are using a fire in a permanent dwelling with an effective and properly installed USDA- or SAE- approved spark arrestor, are exempt from Prohibition #1.

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.

[If appropriate –This Order supersedes, rescinds, and replaces Order ??, issued ??]

This Order will be in effect from 12:01 am on [DATE] and will remain in force until [DATE] or until rescinded, whichever event occurs first.

Executed in [City, State] this _____ day of _____, [current year]

{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 not more than 6 months, or both. (16 U.S.C. § 551 and 18 U.S.C §§ 3559 and 3571).

ASSESSMENT OF NEED

Order 21-XX

Pike and San Isabel National Forests
Pikes Peak, South Park and San Carlos Ranger Districts

Purpose of Order

The purpose of this Order is to protect public health and safety due to the current and anticipated elevated risk of wildfire, on all National Forest System lands administered by the Pike and San Isabel National Forests located within Custer, Douglas, El Paso, Fremont, Huerfano, Las Animas, Park, Pueblo, and Teller Counties in Colorado, during times of very high and extreme fire danger.

Posting of the order as required in 36 CFR 261.50 will provide notification to National Forest visitors that building, maintaining, attending or using a fire, campfire, or stove fire. 36 CFR § 261.52(a). EXCEPT: Building, maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites and 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.

An enforcement plan will be developed that will describe how the public will be informed of the prohibitions, how they will be posted, and planned enforcement strategies.

Scope of Order

The order will restrict building, maintaining, attending or using a fire, campfire, charcoal, coal or wood burning stove, and restrict smoking on all NFS lands administered by the Pike and San Isabel National Forests located within Custer, Douglas, El Paso, Fremont, Huerfano, Las Animas, Park, Pueblo and Teller Counties in Colorado.

EXCEPTIONS: Devices using pressurized liquid or gas (stoves, grills or lanterns) that include shut-off valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.

The order restricts smoking, except within an enclosed vehicle, trailer or building, or in areas posted by authorized Forest Officers.

The boundaries of the restricted areas were selected by the Forest Supervisor to protect NFS lands from the impacts of human-caused wildland fires from campfires, smoking and other ignition sources.

The order will be implemented because the Forest Supervisor has determined that restricting the building, maintaining, attending or using a fire, campfire, charcoal, coal or wood burning stove, and smoking is the only reasonable means to assure protection of NFS lands.

The order will be in effect from the date of signature on the order and continue through December 31, 2021, or until rescinded, whichever event occurs first.

CIVIL RIGHTS IMPACT ANALYSIS

Order 21-XX

Pike and San Isabel National Forests
Pikes Peak, South Park and San Carlos Ranger Districts

Introduction

The Pike and San Isabel National Forests propose to restrict campfire use and smoking on National Forest System (NFS) lands by a Forest Supervisor's Order. The purpose of the order is to protect NFS lands.

The order will restrict the use of open fires on all NFS lands administered by the Pike and San Isabel National Forests located within Custer, Douglas, El Paso, Fremont, Huerfano Las Animas, Park, Pueblo and Teller Counties in Colorado.

Exception: Campfires are permitted in Forest Service-developed campgrounds and picnic grounds, and only in Forest Service-provided, manufactured fire grates and grills. Petroleum fueled stoves, lanterns, or heating devices are allowed on all NFS lands, provided such devices meet the fire underwriter's specifications for safety.

Those exempted from this order are agency employees, and any federal, state, or local officer or member of any organized rescue or firefighting force, in the performance of an official duty.

The order will affect individuals for a limited time during high-to-extreme fire danger on NFS lands.

Civil Rights Impact Statement

The order will have no impacts on civil rights, as the prohibitions will apply to all individuals equally unless listed above as excepted individuals. No one group will be affected more than another group.

ENFORCEMENT PLAN

Order 21-XX

Pike and San Isabel National Forests
Pikes Peak, South Park and San Carlos Ranger Districts

Scope:

Order 21-XX, signed by Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands, Forest Supervisor, Erin Connelly, restricts use of fire and smoking on all National Forest System (NFS) lands as shown on Exhibit A attached to the order. The order will be in effect from the date it is signed, and continue through December 31, 2016, or until rescinded, whichever event occurs first.

Posting:

The order will be posted in the Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands, Supervisor's Office in Pueblo, Colorado, and at Ranger District offices as required in 36 CFR 261.51. Copies of the order will also be posted at dispersed campsites, developed recreation sites, trailheads, parking areas and access points into NFS lands.

Coordination with Other Agencies:

The Forest Service will notify law enforcement offices in counties whose jurisdictions are within the scope of the order about the order and advise them of the appropriate response to violations, if there is a request to assist the Forest Service.

Patrol Activities:

District employees and those on detail to the Forest will patrol the restricted areas on a regular basis to ensure that posting of the order is adequate, maintained, and being complied with. Certified Forest Protection Officers will contact violators within the restricted areas.

Patrolling of the areas will take place any time of the day, Sunday through Saturday. No set schedule for patrolling will be established. Patrolling will be more concentrated during the period immediately following signing of the order.

Enforcement Strategies:

Emphasis will be placed on informing the public of the restrictions in the hope of avoiding violations. Posting of the order and maps at access points will be inspected periodically by Forest Service employees.

A uniformed Forest Service employee with FPO status will contact any unauthorized person found in violation of the order. A Violation Notice or Warning Notice may be issued, and violators will be required to vacate the area where the violation occurred.

Access:

The order will not adversely impact access into the restricted areas. The restricted areas will be monitored to determine if any campers or other users have violated the prohibitions listed in the order.

Persons Exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission.

2. Resident owners and lessees of land within the restricted area are exempt from Prohibition 1 above, provided such fires are within a residence.
3. Any federal, state, or local officer or member of an organized rescue or firefighting force, in the performance of an official duty.

Media Access:

The order will not adversely impact the media.

DECISION MEMO

ORDER 21-XX

All National Forest System Lands within the Pike and San Isabel National Forest, Cimarron and Comanche National Grassland

Decision:

I have decided to issue a Forest Order for National Forest System (NFS) lands on the (**Name of District or Forest**). The order will make it a violation to build, maintain, attend or use a fire, campfire, charcoal, coal or woodburning stove.

EXCEPTIONS: Charcoal fires are allowed in Forest Service-developed campgrounds and picnic grounds within Forest Service-provided, manufactured or constructed fire grates and grills. Petroleum fueled stoves, lanterns, or heating devices are allowed on all NFS lands, provided such devices meet the fire underwriter's specifications for safety. The areas to be affected by these prohibitions include all NFS lands within the Cimarron National Grassland.

I have determined that there is a need to protect NFS lands from abandoned and escaped campfires or fires started from smokers, by restricting use of fire and smoking, by the public, outside of developed campgrounds and picnic areas, also known as dispersed camping. 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. Restrictions should not be considered the equivalent of a prevention program. During periods of high fire danger, fire restrictions and closures are used to reduce the risk of human-caused fires and for the protection of human life and property.

Category of Proposed Action:

Forest Service regulations for completing environmental analyses when required by NEPA are codified at 36 CFR 220. Direction on when Categorical Exclusions (CE) may be used to exclude a proposed action from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) for categories of action that do not have a significant effect on the human environment are codified at 36 CFR 220.6. The CE for closure orders provides: "Orders issued pursuant to 36 CFR part 261 Prohibitions to provide short-term resource protection or to protect public health and safety. Examples include but not limited to: (i) Closing a road to protect bighorn sheep during lambing season and (ii) Closing an area during extreme fire danger." 36 CFR 220.6(d)(1). This category applies to all orders issued for public health and safety, and to "short term" orders for resource protection. Although "short term" is not defined in the Forest Service regulations, regional direction is not required for this CE category. A case file must be maintained for each proposed or issued Order. This applies even when using this CE category. There is no defined policy on how long Orders should last that are short-term. These long-term orders for resource protection do not fit the CE described above, and may require an EA or EIS.

Regional Order Checklist

Action	Responsible Official(s)	Initials/Date
Prepare proposed Order	Appropriate staff(s) w/ LEI input	
NEPA requirements completed (check one) CE PH&S___ CE STRP___ EA___ EIS	Appropriate staff	
Duration of Order (consistent with circumstances)	Appropriate staff	
Prepare Assessment of Need and Enforcement Plan	Appropriate staff with LEI/PAO input	
Civil Rights requirements completed CRIA met through NEPA___ (check)	Appropriate staff	
Review proposed Order Forwarded to OGC___ (check)	Patrol Captain/Regional Patrol Commander	
Review by OGC	Regional OGC	
Approve proposed Order	Forest Supervisor or Regional Forester (Deputy or Acting Recommended Not Sign)	
Post Order (36 CFR 261.51)	District Ranger/Forest Supervisor	
Prepare news releases for Order describing the order and management objectives. Describe implementation/action taken for order, such as planned patrols, enforcement strategies, tolerance, contacts to local public agencies	PAO (with Appropriate Staff/LEI)	
Implement plan	LEO/field going personnel	
Complete Case File	Filing Order Records Officer	
Update Regional Order Database	Special Agent in Charge	

* * * * * END OF OPERATIONS GUIDE * * * * *