Order # NNFG-2016-02

FOREST ORDER

USDA FOREST SERVICE
NEBRASKA NATIONAL FOREST & GRASSLANDS
INCLUDING THE PINE RIDGE RANGER DISTRICT, OGLALA NATIONAL GRASSLAND, and BUFFALO GAP NATIONAL GRASSLAND.

STAGE I FIRE RESTRICTIONS

Pursuant to 16 United States Code (U.S.C.) §551 and 36 Code of Federal Regulations (C.F.R.) § 261.50(a) and (b), the following acts are prohibited on all National Forest System lands within the Pine Ridge Ranger District (including the Oglala National Grassland) in the Nebraska National Forests & Grasslands in the State of Nebraska; and the Buffalo Gap National Grasslands, including the Wall Ranger District and the Fall River Ranger District in South Dakota (the "Restricted Area") and on all roads and trails located within the Restricted Area (the "Restricted Roads and Trails"). This order does not include the Bessey Ranger District (including the Samuel R. McKelvie National Forest) in the State of Nebraska or the Ft. Pierre National Grassland in South Dakota.

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

PROHIBITIONS:

1) Building, maintaining, attending, or using a fire, campfire, or stove fire. 36 CFR § 261.52(a). This includes barbecues and grills.

   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 (sheepherder type) stove with a ¼" spark arrester type screen is permitted.

2) Smoking, except in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials. 36 CFR § 261.52(d).

3) Operating a chainsaw without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher with a minimum rating of 2A kept with the operator, and one round point shovel with an overall length of at least 35 inches readily available for use. 36 CFR § 261.52(h).

4) Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet in diameter and in possession of a chemical pressurized fire extinguisher with a minimum rating of at least 2A. 36 CFR § 261.52(i).

5) Using an explosive. 36 CFR § 261.52 (b).

EXEMPTIONS:

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

1) Persons with a valid Forest Service permit or contract specifically authorizing the otherwise prohibited act or omission may be eligible for an exemption from Prohibitions #1, #3, #4, and #5. Any exemption must be applied for in writing, include an appropriate mitigation plan and must be authorized in writing by the appropriate Forest Service official. The authorization must be in the physical possession of the person or persons undertaking the exempted activities.

2) Any federal, state or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty is exempt from Prohibitions #1, #3, #4, and #5

Notice regarding Exemptions: Holders of valid Forest Service permits, leases and authorizations and all other persons are on notice that when proceeding with activities that are authorized pursuant to these Exemptions, such persons are responsible for conducting authorized activities in a safe and prudent manner using extra precautions and are electing to proceed at their own risk. An exemption does not absolve an individual or organization from liability or responsibility for damage, injury or loss to the United States for any fire started while undertaking the exempted activity.

This order becomes effective at 12:01 am on July 19, and will remain in force until rescinded or until December 31, [current year], whichever event occurs first.

Executed in Chadron, Nebraska, on this 18th day of July, 2016.

Kurt Pindel
Acting Forest & Grasslands Supervisor

Violation of these prohibitions 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.