

ORDER NO. 02-19-15
FIRE USE RESTRICTIONS
CLEVELAND NATIONAL FOREST

Pursuant to 16 USC 551 and 36 CFR 261.50(a) and (b), and to provide for public safety and protect natural resources, the following acts are prohibited within the Cleveland National Forest. This Order is effective from October 31, 2019, through January 1, 2020.

1. Building, maintaining, attending or using a fire, campfire, or charcoal fire.
36 CFR 261.52(a).
2. Smoking, except within an enclosed vehicle or building. 36 CFR 261.52(d).
3. Welding, or operating acetylene or other torch with open flame.
36 CFR 261.52(i).
4. Discharging a firearm, air rifle, or gas gun. Persons engaged in lawful hunting are exempt from this prohibition. 36 CFR 261.58(m).

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

1. Any Federal, State or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
2. Persons with a permit from the Forest Service specifically authorizing the otherwise prohibited act or omission.

These prohibitions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

A violation of these prohibitions is punishable by a fine of not more than \$5000 for an individual or \$10,000 for an organization or imprisonment for not more than six months, or both 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at San Diego, California, this 30th day of October, 2019.


SCOTT TANGENBERG
Forest Supervisor

This Order supersedes Order No. 02-19-04, issued on August 8, 2019.



United States
Department of
Agriculture

Forest
Service

Cleveland National Forest
10845 Rancho Bernardo Rd.
San Diego, California 92127
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Date: October 30, 2019

TO: File

FROM: Scott Tangenberg/ *ST*
Forest Supervisor

RE: FOREST ORDER NO. 02-19-15
2019 Fire Use Restrictions

To provide for emergency resource protection and public safety during hazardous fire conditions, I have decided to increase current fire restrictions in the Cleveland National Forest and to implement a recreational shooting prohibition from October 31, 2019, through January 1, 2020. This action is needed to address concerns related to target shooting, specifically involving the direction and trajectory of bullets and the threat of wildfire from shooting during dry conditions.

The U.S. Department of Agriculture, Forest Service, Rocky Mountain and National Technology and Development Centers has conducted research to determine whether rifle bullets could ignite dry fuels after impacting a hard surface. The researchers performed tests by firing a variety of bullets (steel core, lead core, solid copper, steel jacket, copper jacket) at a steel plate that allowed fragments to drop into a collection box containing oven-dried peat moss. Researchers conducted these experiments in an environmentally controlled indoor chamber, which was programmed to simulate critical fire weather conditions. Through these tests, the researchers determined that bullets impacting hard surfaces could reliably cause fire ignitions in a receptive fuel bed. See Finney, Mark A.; Maynard, Trevor B.; McAllister, Sara S.; Grob, Ian J. 2013. A Study of Ignition By Rifle Bullets. Res. Pap. RMRS-RP-104 found at:
https://www.fs.fed.us/rm/pubs/rmrs_rp104.pdf.

Critical fire-weather conditions are currently present on the Forest and are predicted to continue throughout the season. Chaparral vegetation is the predominant Forest fuel type, covering more than 75% of the Forest. Significant stands of large timber and even-aged communities also are located throughout the Forest. The nature of each of these vegetation types, combined with critical weather conditions, make them particularly vulnerable to fire starts. Based on information gathered from the local Remote Automated Weather Stations (RAWS), live fuel moistures are at or below record levels for both 100-hour and 1000-hour fuels. Energy Release Components at U.S. Forest Service severity stations in the Southern California Geographic Area are all at or above record high levels. These adverse conditions have left the Forest extremely vulnerable to sparks caused by shooting-related activities.

The Cleveland National Forest has one of the most dramatic wildfire histories of any National Forest. This history is related to large areas of dense chaparral vegetation, steep and inaccessible terrain, Santa Ana winds, and a Mediterranean climate characterized by high temperatures and low relative humidity during the summer and fall. The majority of the forest's exterior boundary is



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immediately adjacent to urban development that creates a wildland-urban interface where the risk of unnatural ignitions and the potential for loss of property and life is high.

Furthermore, persistent internal and external concerns about shooting-related accidents exist on the Cleveland National Forest. The terrain across the Forest is such that few, if any, reliable backstops exist to safely catch bullets. Local land ownership patterns are also such that many private inholdings exist within the Forest boundaries, and communities and other developed areas are located adjacent to the majority of the Forest. Therefore, unmanaged target shooting activities across the Forest create risks to public safety and private property. Historically, the Forest has experienced target shooting-related accidents, including several near-misses and numerous verified reports of bullets striking homes near a historic shooting area. The Forest's unique terrain and land ownership patterns give rise to an urgent need to control target shooting activities.

In addition, the current and expected Burning Indices for the Cleveland National Forest are in the very high to extreme range. Current and predicted weather conditions include higher than average temperatures and no precipitation. These conditions mean that fires are more likely to ignite and, once fires become established, they will have a high resistance to control, strong potential for extreme fire behavior, and rapid rates of spread even with minimal wind.

In addition to the shooting prohibition, the following actions will be implemented to minimize the occurrence of wildfires:

1. Continue to monitor weather conditions on a daily basis and adjust fire staffing as necessary.
2. Continue to monitor fuel conditions, Burning Indices and Energy Release Components on a daily basis.
3. Coordinate actions with representatives of neighboring Federal land management agencies, State resource and fire agencies, County fire departments and local co-operators.
4. Coordinate with the Forest Public Information Specialist in developing and disseminating information regarding conditions and restrictions to the media and the public.
5. Ensure appropriate posting of restrictions along access routes and at selected dispersed and developed recreation sites.

I have concluded that this decision may be categorically excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) under the National Environmental Policy Act. This action falls within the category identified in 36 CFR 220.6(d)(1) – prohibitions to provide short-term resource protection or to protect public health and safety – and does not require documentation in a decision memo, decision notice, or record of decision. I have determined that there are no extraordinary circumstances associated with this temporary fire

prohibition order. The public notice and comment requirements of sec. 4103 of the Dingell Act do not apply to this order because these conditions have created an emergency. Implementation of the decision may begin immediately.

Coordination with the following cooperating agencies was conducted prior to implementation of this shooting prohibition:

1. California Department of Forestry and Fire Protection (CalFire)
2. San Diego County Sheriff's Department
3. State of California, Department of Fish and Game, Highway Patrol, CalTrans, Department of Parks and Recreation

No significant issues were raised during these scoping sessions.