

## **FREQUENTLY ASKED QUESTIONS CONCERNING STAGE II FIRE RESTRICTIONS**

### **General**

1. How do I find out if my land is classified as forested?
  - ♦ Montana Law defines forestland as land that has enough timber, standing or down, slash, or brush to constitute in the judgment of the department a fire menace to life or property. Grassland and agricultural areas are included when those areas are intermingled with or contiguous to and no further than one-half mile from areas of forestland. Your tax statement has this information about your land. If you cannot access your statement, check with your local unit office.
2. How do I know what a designated road or trail is?
  - ♦ Call the local land management agency where you would like to go. If the land is classified as forested (see above), contact the Department of Natural Resources and Conservation. If they are not, contact your local agency. They should be able to advise you and furnish maps of trails that are safe and open for use.
3. Do these restrictions apply to towns and/or private property?
  - ♦ Many cities and towns in Montana also adopt the restrictions, and would therefore cover those areas inside their jurisdiction. County and city government may also impose further restrictions on private, city, or county-owned lands. These can be even more prohibitive than what is issued by the state.
4. Do these restrictions apply to valley bottom areas?
  - ♦ Restrictions written by the Montana DNRC only apply to all state land and all state and private forested land. Restrictions written by county and other agencies generally apply to valley bottom area that is outside of the classified forestland.

### **Violations/Penalties**

5. If I conduct an activity that is restricted, can I be fined?
  - ♦ Yes. The amounts may differ depending on the agency with authority in that area, but Montana State Law allows for a fine of up to six months in jail and \$500.00.
6. Can I be held liable if I start a fire?
  - ♦ Yes. You could be responsible for paying some or even all of the costs that it took to put the fire out. Check with the according agency on specific regulations.
7. If we don't know about the restrictions and/or they change can we be held responsible?
  - ♦ Yes. It is your responsibility to know before you go.

## **Campfires**

8. Where is a designated campground that I can camp in and have a fire?
  - ♦ To find a designated campsite, that depends on where you would like to camp. Contact your land management agency about specific areas you would like to go. If we are in Stage II restrictions, campfires are prohibited.
  
9. It is cool and damp in the meadow (or beside the stream) where I camp; even though it's stage II restrictions, why can't I have a campfire?
  - ♦ Making exceptions to allow campfires for individual recreation groups is impractical for agencies that have neither the time or people numbers to make on site inspections and write the necessary documents. That is why restrictions are made for a general, across the board application asking all users to sacrifice in the interest of everyone.
  
10. Why can't I have a campfire when it's okay for farmers to burn fields and ditches?
  - ♦ Since most agricultural land is not classified forested land, it will fall under the jurisdiction of the counties. Each county has their own regulations when it comes to allowing or exempting agricultural operations.
  
11. I'm a hunter. Will the restrictions be lifted before hunting season? If not, can I have a warming fire if it is early in the morning when the humidity is higher and there is dew on the grass?
  - ♦ Fire management officials closely observe the weather on a day-by-day basis and re-evaluate the status of fire restrictions frequently. The restrictions can continue into the hunting season until the area receives enough moisture to ensure that wildfire starts will be at a minimum. Regarding having a warming fire, refer to the answer in question #9.

## **Barbeques/Cooking/Heating**

12. Can I use BBQ briquettes to cook?
  - ♦ Briquettes are treated exactly like a campfire, and fall under the same restrictions for campfires. TIP: Never dispose of briquettes in inappropriate areas, such as places with dry grass, tall brush, or vegetation.
  
13. During Stage I restrictions, can I barbeque in my elevated fire ring device (i.e. a Coleman barbeque) that has a screen?
  - ♦ This type of heating mechanism is treated the same as a campfire, and falls under the same restrictions for campfires. TIP: We allow fires in improved sites and not private because we have personnel and ability to provide and promote safe practices.
  
14. Can river rafters use charcoal if they are using a certified river pan?
  - ♦ These are restricted during Stage II.
  
15. Can I use LPG (liquid-petroleum) or gas-fueled stoves?
  - ♦ Yes, these are allowed under Stage II restrictions. TIP: Can you turn your device on/off? If you can, then generally that device is ok.

## **Camp Stoves**

16. Can I use an enclosed wood burning camp stove in my hard-sided tent or camper?
- ♦ Not for Stage II. The intent of Stage II restrictions is to eliminate these potential sources of sparks or persistent hot material that can smolder and start up again. Spark arrestors are required. Stoves that burn liquid petroleum or gas are allowed. TIP: Make sure that your tent or camper is properly ventilated.
17. During Stage II restrictions, can I use an enclosed wood or shepherder stove with chimney screen in the Wilderness? What about outside of the wilderness?
- ♦ Only the Forest Service has designated wilderness. Such use would be considered to be the same as a campfire and is prohibited during Stage II except under special permit. The same goes for areas outside the wilderness.
18. Can people have fires in their wood stove or fireplace at home or in their recreation cabin?
- ♦ Yes. However state law requires spark arrestors or screens over stovepipes or chimneys to catch that first flush of sparks going up the chimney from the paper and kindling used to start the fire. It would also be prudent to have firewise green space around the structure and be sure the roof is free of any needles or leaves. Using an alternate heat source such as liquid petroleum or gas would be another option.
19. Are camp stoves allowed in a soft-sided tent?
- ♦ No. A soft-sided tent is not considered a sound structure, and is also too flammable for the use of such devices.

## **Miscellaneous**

20. Can I ride a horse with shoes?
- ♦ Yes. It is possible for horse shoes striking rocks to create sparks. However the possibility of starting a fire is remote. TIP: We suggest that horses with shoes be ridden on designated roads and trails in most cases. If you want to ride where there is dry grass, we suggest you ride in the morning or discuss the situation with the landowner or fire jurisdiction agency. Horseback riding per se is not risky activity from the standpoint of starting a fire and is not restricted.
21. Can I shoot guns?
- ♦ Shooting is not an activity that is subject to Stage II restriction, and is therefore not restricted. However, when conditions are extreme, any activity that has the potential to start a fire should be performed with caution. In the past, fires have been started because of firing range/firearm use.
22. During Stage II restrictions, do I have to be out of the forest by 1300?
- ♦ No. Only those acts that are prohibited under Stage II restrictions need to be adhered to. Continue to enjoy the forest, and help us keep the area safe from wildfire by reporting any fires you see to the appropriate agency or by calling 911.

23. How long are these restrictions going to last?
- ♦ All decisions are based on fire activity, weather, fuel conditions and various other factors. The restrictions will typically remain in place until a significant change in the weather results in a marked reduction in fire activity and fire danger.
24. How much rain do we need to have before you lift the restrictions?
- ♦ Significant and widespread rainfall will be necessary. A quick thunderstorm won't do the job long term. Duration, quantity, and expected weather beyond any rain all factors into the decision by fire agencies as to when restrictions can be lifted.
25. When are you going to shut down the woods or close areas?
- ♦ We intend to implement closures only when absolutely necessary, and impact the smallest areas for the shortest amount of time. There are a number of factors that figure into any decision to implement a closure. Number one consideration is public safety and agency firefighter safety. The number of active fires and resources already committed is also a factor, as are, of course, the current and expected weather and fuel moisture conditions.
26. Are fireworks allowed under Stage II restrictions?
- ♦ Montana code annotated prohibits the use of fireworks in classified forest areas and they are not allowed on National Forest lands at any time.
27. Can I use open flame devices, such as Tiki lamps or citronella candles?
- ♦ Open flame devices are not allowed during Stage II restrictions except within an enclosed building.

### **Internal Combustion Equipment**

28. Can I use a generator at a dispersed or unimproved campsite or if I have it in the back of my pickup?
- ♦ Generators are considered an internal combustion engine, and therefore need to comply with those restrictions. The use of generators falls under the restrictions of internal combustion engines, and are therefore prohibited from 1:00 p.m. to 1:00 a.m., with the exception of use inside a hard-sided or wood structure.
29. Can I mow the lawn and use my weed eater?
- ♦ During Stage II restrictions, you must follow the requirements of internal combustion engines. TIP: But be cautious of mowing directly adjacent to dry grass and weed areas, and be especially careful when you are refueling. Gasoline powered mowers can throw tiny carbon sparks. Be conscious of the direction the muffler on your mower is pointed; have a garden hose that can reach the area; and check the area when you are done mowing before you go back in the house. In any case, it is best to mow the lawn in the morning, when it is cooler outside and the humidity is up.

30. What about mowing dry weeds with power mowers for fuel reduction around my home?
- ♦ The same answer would apply as in the above question. Under Stage II, you must follow the restriction requirements for internal combustion engines.
31. Does my ATV, motorbike, or mini scooter have to have an approved spark arrestor? If so, where can I get one?
- ♦ Yes. Any internal combustion engine used on forest roads and trails must have an appropriate and properly maintained spark arrestor, regardless of whether restrictions are in place. If it does not have a spark arrestor, contact your equipment dealer on obtaining the appropriate device.
32. Do I need to carry a shovel, axe, and bucket if I'm going into the forest for a drive or other recreation activities?
- ♦ Driving is an activity that is subject to Stage II restriction. However, Montana state law no longer requires this equipment. If you want to carry it, are in good health, know how to use it, and desire to take good Samaritan action on an abandoned campfire or small roadside fire, be our guest.
33. How do I find out what trails are designated and, therefore, okay to take my motorbike on?
- ♦ Call the local land management agency where you desire to recreate. They should be able to advise you and furnish maps of trails that are safe and open for use. TIP: If they advise that fuel conditions in that area are hazardous, we recommend avoiding use at this time even if it is legally open. Remember, if a fire starts from your equipment, you are liable.

**REGARDING PROHIBITED ACTS FROM 1:00 P.M. to 1:00 A.M (AKA "Hoot Owl")**

34. •After cutting wood, do I have to stay two hours once I have finished?
- ♦ Yes. You are required to be on a "fire watch" in the area where you were working for 2 hours after you finish the activity, regardless of the time you finish.
35. If I stop working at 1:00 p.m., do I have to stay past that time?
- ♦ During Stage II restrictions this is required, so you must stay on site and watch for any possible fire starts until 3:00 p.m. After that time you are free to leave.
36. How about if I finish early, say 10:00 a.m., do I need to stay until 1:00 p.m.?
- ♦ No, all that is required is 2 hours of fire watch past the time you finish the activity. If you finish your work at 10:00 a.m. then complete your 2-hour fire watch, you can leave at 12:00 p.m.

## **Construction/Agriculture/Commercial Activities**

37. House construction and other developments - do they have to comply with hoot owl restrictions? Can internal combustion equipment (generators, saws, etc.) be used between 1300 and 0100 while constructing buildings?

- ♦ In the past the State has allowed this type of construction work to continue after 1300 if the site-prep work was done i.e. the foundation was dug. Normally this indicates that the building site is cleared of grass, brush etc. and the work is being done on bare soil.

38. Can well drillers drill between 1300 and 0100 if they are not welding pipe? Do they need a permit?

- ♦ Generally, well drilling would be allowed as long as other Stage II restrictions (not driving off designated roads, smoking, etc.) are observed. If the drilling rig is on a designated road or if you area operating on an area that has been cleared to mineral soil, you are okay. Some jurisdictions may require a permit – others may not. Check with your local jurisdiction. TIP: Spark arrestor regulations apply, and, depending on the extent of the cleared area, tools and/or water spraying equipment on site may be advisable.

39. Can I load logs after 1300? (1:00 pm)

- ♦ Generally yes, but this depends on what jurisdiction you are working from. You must comply with the regulations your land management agency imposes. Each agency may have different regulations when it comes to log loading, so it is best to contact them before you decide to load after 1300. Remember that you still must have a “fire watch” for 2 hours after all activity has ceased.

40. Under Stage II restrictions, can hay or other crops be harvested using internal combustion engine equipment? Can we bale or cut hay after 1300?

- ♦ Since most agricultural land is not classified forested land, it will fall under the jurisdiction of the counties. Each county has their own regulations when it comes to allowing or exempting agricultural operations. If the harvesting is in an area classified as forested land, the restrictions do apply and an exemption would be required. TIP: Non-essential use of internal combustion engines in dry fuels is not advisable. Additional precautions can be taken such as having water and tools available and timing operations to avoid the afternoon/evening hot and dry times or windy conditions.

41. Can I drive my automobile through my stubble field when we are in restrictions? Can I use my ATV off road to check on my livestock?

- ♦ Driving off road is restricted under Stage II for land classified as forested but is not restricted for land classified as non-forested farmland. All internal combustion engines should be equipped with an appropriate and properly maintained muffler or spark arrestor. Even then, direct contact of the muffler or catalytic converter with dry grass can start a fire. TIP: Driving across a stubble field on non-forested farmland should be done with caution or avoided, especially in the afternoon or evening hours. Landowners should know how their land is classified. County proclamations may also put restrictions on private lands, including those classified as non-forested.

42. Can public utilities, railroads, and road departments use internal combustion engine equipment between 1300 and 0100 for routine maintenance and right-of-way clearing?

- ♦ Not under Stage II restrictions. Routine maintenance involving internal combustion engines is restricted during the hours from 1:00 pm to 1:00 am. Standing emergency exemptions apply for utilities and railroads. Even then there are certain restrictions the companies must adhere to.

43. How can I get an exemption from these restrictions?

- ♦ If you believe your activity is valid to obtain an exemption, the agency having jurisdiction can provide an exemption document for you.

44. I don't smoke; why can't I hike to the M or L?

- ♦ Due to extreme fire danger, City of Missoula open space and conservation lands will be closed to afternoon and evening use, coordinated with restrictions in place on US Forest Service & Montana DNRC lands. Mount Jumbo, the North Hills, Waterworks Hill and city lands on Mount Sentinel will be closed to recreation from 1:00 p.m. until sunrise. While "hoot owl" closures on public lands are typically implemented between 1:00 p.m. & 1:00 a.m., City open space and conservation lands are closed at night and do not open until sunrise. Forest Service and Montana DNRC lands on Mount Sentinel and Mount Jumbo, including the Crazy Canyon recreation area and the "M" Trail are closed from 1:00 p.m. until 6:00 a.m. during this current closure. Recreational areas remaining open during the closure include: the Kim Williams Trail, Missoula's parks, and the Blue Mountain and Rattlesnake recreation areas.

45. If I see someone throw a cigarette out the window and report it, will you give them a citation?

- ♦ We can't guarantee this, but if you are willing to be a witness, it certainly is possible to do. You will need to be able to identify not only the vehicle, but also the person who threw the cigarette.