

# Fire Restrictions And Closures Toolbox

Tools to: Assess  
Develop  
Communicate  
Implement  
Enforce



USDA Forest Service



Rocky Mountain Region

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The following documents may be found at:

<http://fsweb.r2.fs.fed.us/fam/prevention.html>

- Sample Assessment of Need
- Sample Civil Rights Impact Analysis
- Sample Order, Map, Decision Memo
- Sample Permits, Letters
- Sample Communications Plan
- Sample News Releases
- Sample Enforcement Plan

## Purpose

The purpose of this toolbox is to provide Forest Service line officers and their staffs the tools to develop, implement, and legally enforce fire restrictions and closures by:

- Providing Regional consistency to encourage public acceptance and compliance.
- Developing clear messages for the public, Forest/Grassland users, and partners.
- Defining the degree of discretion that Forest Service line officers may use.

Forest Service units will work with their interagency partners in all phases of fire restrictions and closures.

## Authority

Restrictions: 36 CFR 261, Subpart B

Closures: 36 CFR 261.52(e)—Going into or being upon an area

Restrictions and Closures:

16 U.S.C. §551; 18 U.S.C. §3559; and 18 U.S.C. §3571—Violations and penalties

36 CFR 261.51—Posting requirements

36 CFR 220.6(d)(1) and the Forest Service Handbook. 1909.15 - Environmental Policy and Procedures Handbook, Category 31.12, Section 1, - Orders issued pursuant to 36 CFR part 261 –Categorical exclusion for restriction and closure orders established by the Chief, where no case file or decision memo is required

FSH 5109.18, 52—Fire restrictions and closures

FSH 5309.11, 32—Issuing orders under Title 36, CFR, Part 261, Subpart B

FSH 5309.11, 33—Termination of order

The complete references shown above may be found at:

Code of Federal Regulations (CFR) <http://www.gpoaccess.gov/cfr/>

United States Code (U.S.C.) <http://uscode.house.gov/>

Forest Service Handbooks (FSH) <http://fsweb.r2.fs.fed.us/>

Click on the Directives link on the left side under the Service-wide column, sign in through e-authentication.

## **Restrictions and Closures**

The purpose of fire restrictions and closures is to protect human life and property by reducing the risk of human-caused fires during prolonged periods of unusually high fire danger and severe burning conditions. Restrictions should be considered only after all reasonable prevention measures have been taken.

When a level of restriction is no longer needed, the restrictions may go to a lower stage by implementing a new, supplemental or modified order; or the restrictions may be rescinded.

Fire restrictions are defined in three stages, Stage I, II, and III as follows:

**Stage I Fire Restrictions.** The following acts are prohibited:

1. Building, maintaining, attending, or using a fire, campfire or stove fire except within a developed recreation site, or improved site. 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 materials. 36 CFR 261.52(d).

**Stage II Fire Restrictions.** The following acts are prohibited, in addition to the prohibitions of Stage I:

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. 36 CFR 261.52(c)
3. Using an explosive. 36 CFR 261.52(b)
4. Operating a chainsaw or other equipment powered by an internal combustion engine between 1:00 p.m. to 1:00 a.m. 36 CFR 261.52(h).
5. Welding, or operating acetylene or other torch with open flame. 36 CFR 261.52(i)

**Stage III Closure.** The area is closed to all entry (36 CFR 261.52(e)) other than the following:

1. Persons with a written fire entry and activity permit.
2. Any federal, state, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
3. Resident owners and lessees of land within the closed area.

## **ROLES AND RESPONSIBILITIES**

Forest Supervisors and line officers play a crucial role in the implementation and enforcement of fire restrictions. The following section explains the role in each area.

### Fire Management Officer

- Monitors conditions on the unit, including fire occurrence, weather trends, fuel conditions and the energy release component.
- Coordinates with interagency partners within their fire management geographic zone prior to making recommendations for restrictions, closures and rescissions.
- Recommends restrictions, closures and rescissions to the agency administrator.
- Reviews and follows procedures identified in the fire restrictions checklist.
- Coordinates with local law enforcement to ensure coordination is established.
- Coordinates with local fire management staff, prevention staff, and predictive services.

### District Ranger

- Responsible for making closure, restriction and rescission decisions for their unit.

### Forest Supervisor

- Authorizes restrictions or closures on Ranger District and Forest/Grassland.
- Ensures orders receive review and concurrence by Forest Service law enforcement personnel and legal counsel.
- Develops area restrictions and closure plan and communication plan.
- Monitors the enacted restriction and provides timely feedback to the Regional Restriction/Closure Coordinator as needed.
- Designates acting Forest Supervisor in writing.

### Law Enforcement

- Assists in development of orders, and reviews and concurs with forest orders before release.
- Maintains contact with the U.S. Attorney's Office, as appropriate.
- Enforces orders and regulations, and coordinates with local law enforcement.

### USDA Office of the General Counsel

- Provides legal advice, reviews and comments on orders.
- Maintains contact with the U.S. Attorney's Office, as appropriate.

### Unit Public Affairs Officer

- Prepares communications plans; if needed.
- Coordinates with other agencies, tribes and interested public.

- Communicates restriction, closure and rescission information and provides Regional restrictions coordinator with electronic copies of the restriction, closure or rescission map.
- Forwards restriction news releases, closure orders, and maps to the Regional restrictions coordinator via e-mail.

### Regional Forester

- Authorizes restrictions or closures on multiple units or the Region.
- Provides advice to Forests/Grasslands, the Regional Restrictions/Closure Coordinator, and the Rocky Mountain Area Coordination Center.
- Designates acting Regional Forester in writing.

### Regional Restriction/Closure Coordinator

- Collects and posts restriction, closure and rescission information on the RMACC webpage and sends information to the Rocky Mountain Wildland Fire Information webmaster.
- Drafts orders for Regional Forester restrictions and closures.
- Monitors fire activity and prevention efforts.
- Establishes an information base that identifies the current stage of restrictions/closures.
- Facilitates the restriction/closure implementation process and assesses impacts.
- Assists in the coordination of closures across multiple Forests/Grasslands, evaluates for consistency, and manages geographic-level media releases.

### Rocky Mountain Area Coordination Center

- Provides data for determining restrictions or closures across areas.
- Establishes preparedness level for geographic area.

### Fire Dispatch Centers

- Provides statistics on fire occurrence, fire danger, and long-range forecasts.

## **Decision Factors**

Restriction and closure orders should be implemented on the smallest geographic scale to affect the fewest number of people. The duration of the order should be based on evaluation of risk over an extended timeframe.

These suggested criteria may help determine if a restriction is justified:

- 1,000-hour fuel moisture content and live fuel moisture content.
- 3-day mean energy release component.
- Burning index.

- Fire-danger rating is very high or extreme
- Human-caused fire occurrence is very high.
- Fires are affecting available suppression resources making initial attack difficult.
- Preparedness Levels are elevated.
- Adverse fire-weather conditions and risks are predicted to continue.

Fire danger indices provide a measure of the chance of a fire starting in a particular fuel, its rate of spread, intensity, and difficulty to suppress, through various combinations of temperature, relative humidity, wind speed and drought effects:

#### Fire Danger Ratings:

**Low:** Fires in forests spread irregularly with flames of less than one foot. Fires in dry grass spread steadily with flames less than the height of the grass. Shrubs may not burn readily. Embers from fires rarely start additional fires and tree crowns do not ignite.

**Moderate:** Fires in forests spread slowly to moderately quickly with flames of 1-3 feet. Crowns of trees with branches close to the ground may ignite but fires rarely spread far in the tree crowns. Fires in dry grass spread moderately quickly with flames up to 2 times the height of the grass, especially if conditions are windy. Some shrubs within the grass burn readily. Embers from the fires may start additional fires a short distance from the main fire. Unattended campfires may begin to creep away from the fire pit.

**High:** Fires start readily and spread quickly. Fires in forests can ignite small groups of trees and spread for short distances in tree crowns. Flames in the surface can exceed 4 feet and may exceed 8 feet. Fires in dry grass spread quickly with flames of 10 to 20 feet. Spotting is common and can occur some distance from the main fire. Unattended campfires are likely to escape and sparks are likely to start fires in dry grass and needles.

**Very High:** Fires start readily and spread quickly. Crowning runs are common and fire spread through tree crowns for some distance is possible. Flames in the surface part of the fire can easily exceed 8 feet and may exceed 12 feet. Fires in dry grass and shrubs spread quickly with flames over 20 feet likely. Torching and short crowning runs are possible in juniper. Spotting is common and occurs some distance from the main fire. Unattended campfires are likely to escape and sparks are likely to start fires in dry grass and needles.

**Extreme:** Fires start quickly, spread furiously, and burn intensely. Crown fire is likely in forests and juniper woodlands. Flames in the surface part of the fire can easily exceed 12 feet. Fires in dry grass and shrubs spread quickly with flame lengths over 30 feet likely. Spotting is common and can occur over 1 mile from the main fire. Unattended campfires will escape and sparks will start fires in dry grass, needles and twigs.

#### Preparedness Levels:

**Level 1:** Wildfire activity is light and large fires are short with low complexity. There is little or no commitment of national resources.

**Level 2:** Wildfire activity has increased, with most fires remaining low to moderate complexity. Moderate potential exists for escaped large fires and extended attack for more than one burning period.

**Level 3:** Multiple large incidents are occurring involving two or more interagency dispatch centers. High potential exists for fires to have moderate to high complexity. Increased mobilization of resources to meet area and national needs are occurring, with some significant delays and limited resource availability.

**Level 4:** High-complexity, large-fire activity is occurring. Multiple incident management teams are committed with high potential for increased complex activity.

**Level 5:** High-complexity, large-fire activity has increased. National resources are exhausted or difficult to obtain in any large quantities.

## Restriction and Closure Decision Checklist

These questions may serve as a guide when considering restrictions and closures:

- ❑ **What are you trying to achieve?**
  - ❑ Reduced human caused fire starts.
  - ❑ Reduced risk to public and firefighter safety, public and private property, natural resources, and infrastructure.
  - ❑ Consistency among agencies within the local geographic zone.
  - ❑ Are there other ways of achieving your objectives?
- ❑ **Are adequate fire resources available?**
  - ❑ Is there the ability to effectively handle initial attack?
  - ❑ Are there enough engines, air tankers, helicopters, crews, Type I and Type II Teams available?
- ❑ **What is the predicted weather for the next several weeks?**
  - ❑ Will there be high winds of long-term duration?
  - ❑ Will there be low daytime relative humidity and poor nighttime recovery?
  - ❑ What are the expected maximum and minimum temperatures? Will there be minimum nighttime temperatures higher than 50° F?
  - ❑ What are the lightning predictions?
- ❑ **What is the daily fire occurrence situation?**
  - ❑ Are the multiple starts on and off-unit?
  - ❑ Are fire occurrence and control problems increasing or decreasing?
  - ❑ Are the daily fire starts more attributable to human cause or lightning?
- ❑ **Is an increase or decrease in recreational visitor days expected?**
- ❑ **What are the socio-economic considerations?**
  - ❑ Will there be impacts on rural economies and tourism?
  - ❑ Has the right message been given to the public and other stakeholders to establish groundwork for restrictions/closure?
  - ❑ Is it possible to minimize effects on the local community and users?
  - ❑ What is the urban/wildland-interface complexity?
  - ❑ What is the public desire for recreation opportunities and events?
- ❑ **What actions are being taken by surrounding land managers, and local or state authorities?**
- ❑ **What are the standards and guidelines contained in the Forest Plan for the affected area?**

- Are there wildernesses, wild and scenic rivers, research natural areas, or other special interest areas that may be affected?
- **What is the workload associated with restrictions and closures?**
  - Will the workload compete with fire management?
  - Are personnel available to send notification letters to and do follow up actions with permittees, private landowners, contractors, etc., particularly as restriction levels increase?
  - Are personnel available to assist some users, such as outfitter/guides, who may ask for assistance in moving their operations to areas of lower or no restrictions?
  - Will refunds or fee reductions be appropriate for reservations and certain uses and contracts?
  - Are personnel available to provide public information and post the order on the ground and on the web?
  - Are there adequate personnel for patrol and enforcement?
- **Will the restriction/closure be enforceable?**
  - Is law enforcement involved early in the decision making process?
  - Will entry and activity permits be issued?
  - Is consistent and highly visible signage available?
  - Is there a common goal with state, local, and adjacent units?
- **Are there preparations for the next stage, whether that would be a higher stage restriction/closure or rescission of an order?**

## Developing a Restriction/Closure Order

1. The unit establishes an assessment of needs to form the administrative record.
2. The unit drafts the order and a high-quality map(s).
3. The unit calls the Regional Restriction/Closure Coordinator to discuss the order and associated communication planning.
4. The unit submits the draft order to the Regional Coordinator via email.
5. The Regional Coordinator facilitates review of the order and sends copies to:
  - Patrol Captain for the unit affected by the closure order. The Patrol Captain will coordinate with the Regional Patrol Commander and OGC.
  - Office of General Counsel (address format: [Firstname.Lastname@usda.gov](mailto:Firstname.Lastname@usda.gov)).
6. The Regional Coordinator and the unit discuss Regional Office review comments to clarify and resolve differences.
7. The unit drafts a communication plan and sends a copy to the Regional Office Public Affairs staff.
8. The unit prepares, with the assistance of the local Law Enforcement Officer, the final order, signed by the Forest Supervisor or designated Acting Forest Supervisor, and posts and distributes the order.
9. The Regional Coordinator distributes the order and map to Rocky Mountain Area Coordination Center, partners, and others, and posts them on the designated website.
10. The unit implements and monitors the order.

## Communication Planning

The goals of communication planning are to ensure the public is aware of the restrictions, views them as responsible management, and complies with them. A communications plan should be developed at the Forest or Regional level to establish concise talking points and strategies to implement when restrictions are planned

The objectives are to give focus and direction to communications, provide guidance to explain restrictions/closures, and to design an action plan.

Identify the principal audiences for the communication. Convey clear consistent messages using a variety of tactics:

- News releases
- Flyers
- Signs
- Briefings
- Personal contacts
- Meetings

## Action Plan

The action plan consists of specific activities and products to meet the communication goals and objectives, with due dates and people responsible, in this suggested format:

<b>Due Date</b>	<b>Activity</b>	<b>Purpose</b>	<b>Who's Responsible</b>
June 19	Brief county commissioners	Keep them informed	Jane Doe
June 22	Prepare special order	Basis for legal order	Jane Doe, Sam Doe, Law Enforcement Officer, Office of General Counsel

## Key Messages

Fire restrictions are implemented to protect the public, our employees and our public lands.

The majority of wildfires in Region 2 are human caused; fire restrictions will reduce the chance of an accidental start.

Restrictions are always controversial; however, they are necessary to protect the public and our public lands.

Fuel moisture and weather are analyzed daily, once conditions improve and the potential for a wildfire decreases restrictions can be lifted.

Closures are not guarantees against wildfires, but they do reduce the chances more than fire restrictions.

## Coordination

The scope of the restriction will dictate how much coordination is necessary. Some agencies and interests to consider:

- Regional Office and adjacent National Forest System units
- Prevention Teams
- Other federal land management agencies
- Tribes
- Congressional members
- State officials and land and resource agencies:
  - Emergency Management Office
  - State Parks

- Transportation departments
- State Forester
- Wildlife agency
- County and city officials
- Commercial interests, vendors, Chambers of Commerce
- Permittees and contractors:
  - Grazing permittees
  - Special use permittees
  - Construction contractors
  - Supply contractors
  - Concessionaires
  - Oil and gas lessees
  - Timber Sale contractors
  - Service contractors
  - Mining operators
  - Cooperators and volunteers

## **Implementation**

Logistical considerations to incorporate into implementation:

- Fire prevention program's integration into ongoing restrictions or closure.
- Timing of implementation.
- Enforcement.
  - Road blocks or traffic stops, methods and locations, coordination and strategy with state and local road authorities.
  - Additional personnel needs, including law enforcement.
  - Patrol scheduling.
  - Clear signage, i.e., site open or closed.
- Front-liner considerations: backup support, training, and adequate information.
- Plan for soliciting and mobilizing volunteer groups and special interest groups.

### **Entry and Activity Permits**

The only exemptions to restrictions and closure are specifically named in the order. The order may allow for exceptions on a case-by-case basis.

An entry and activity permit must be specific to the particular use and need, and must:

- Outline the times that the permitted activity may take place.
- Specify the roads or areas that are open for travel.
- Describe what activity is allowed.

## **Rescinding or Modifying Restrictions and Closures**

The authorized officer's decision to remove, continue, or change the restrictions is based on recommendations from agency fire personnel and cooperators. Some considerations:

- A significantly reduced level of fire risk for a longer period determined by the same threshold of indices that were used to add restrictions or require closure.
- Predicted long-term weather conditions, including a significant amount of precipitation over a reasonable time to increase the heavy fuel moisture and reduce the fire danger indices.
- Other ongoing fire activity that is affecting fire resources availability.
- Capability to respond to new fires.

## **DEFINITIONS**

**Agreements**—Written instruments that reflect agreement between entities to do or provide or transfer services or money, or define how entities will work together. These are not contracts nor do they authorize use or occupancy of National Forest System lands.

**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.

**Chainsaw**—A saw powered by an internal-combustion or electric engine, with cutting teeth linked in an endless chain.

**Designated roads and trails**—Roads and trails that are designated by the land management agency for public use.

**Developed recreation site**—An area that has been improved or developed for recreation including trailheads, picnic grounds, interpretative sites, ski areas, resorts, lodges, and campgrounds. A developed-recreation site may be privately owned or privately managed commercial facility, tribal, or agency-owned.

**Improved site**—An area that has been cleared and has an established fire barrier that restricts fire spread, and includes improvements such as picnic tables and/or toilets.

**Line officer**—Forest Service employees who have land and resource management decision-making authority, i.e., Chief, Regional Forester, Forest Supervisor, and District Ranger, or their authorized-in-writing Acting.

**Motorized equipment**—Any equipment or vehicle propelled by an internal-combustion or electric engine.

**Motor Vehicle**—Any device propelled by an internal-combustion or electric engine, by which any person or property is or may be transported, including any frame, chassis, or body of any motor vehicle, except devices used exclusively upon stationary rails or tracks. This includes, but is not limited to, cars, sport-utility vehicles, trucks, ATVs, and motorcycles.

**Special Use Authorization**-A permit, term permit, lease, or easement which allows occupancy of National Forest System land without conveying any ownership in land for specified purposes, and which is both revocable and terminable.