ORDER OF THE FOREST SUPERVISOR SETTING FORTH RESTRICTIONS AND CONDITIONS OF USE ON THE HIAWATHA NATIONAL FOREST

Fire

Under the authority of the Act of Congress of June 4, 1897, as amended (16 USC 551), and the Secretary of Agriculture's Regulations 36 CFR 261.50(a) and or (b), the following acts and omissions are prohibited within the boundaries of the Hiawatha National Forest.

Definition: Applicable 36 CFR 261.52 orders that are assimilated from Michigan Forest Fire Law, Act 329.

A. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:

1. Department of Agriculture, Forest Service Standard 5100-a, or Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a). 36 CFR 261.52 (j)

B. Violating any State Law concerning burning, fires, or which is for the purpose of preventing or restricting the spread of fires. CFR 261.52 (k)

C. Possessing, discharging, or using any kind of firework or other pyrotechnic device 36 CFR 261.52(f)

This Order applies to all lands of the Hiawatha National Forests.

Definitions for the purpose of this Order: See attached Michigan State Regulations.

These prohibitions are in addition to the general prohibitions set forth in 36 CFR 261, Subpart A. This order will be reviewed every five years to determine if the regulations are still applicable for proper management of the area described. The prohibitions will be in effect from the date of this order until specifically withdrawn by termination order of the Forest Supervisor.

Violations of these prohibitions are punishable by a fine of not more than $5000 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).

Dated this 20th day of Sept, 2010, at Escanaba, Michigan.

for Teresa A. Chase

Thomas A. Schmidt
Forest Supervisor
Hiawatha National Forest

Attachment:

Michigan Forest Fire Law, Act 329 of Public Acts 1969 (specifically):

Sec. 4 A person shall not:

(a). At any time the ground is not snow-covered, a person shall not burn any flammable material on or adjacent to forestland, except for domestic purposes, without a permit from the director or his authorized representative. **36 CFR 261.52 (k)**
(b). The director or his representative shall set the times of day and consistent with the provisions of this act, the conditions under which burning for other than domestic purposes on or adjacent to forest land shall be permitted. **36 CFR 261.52 (k)**
(c). Any person doing any burning on or adjacent to forestland for other than domestic purposes or adjacent to forestland shall be permitted. **36 CFR 261.52 (k)**

Sec. 5 A person shall not:

(a) Dispose of a lighted match, cigarette, cigar, ashes or other flaming or glowing substances or any other substance or thing that is likely to ignite a forest, brush, grass or woods fire; or throw or drop from a moving vehicle any such objects or substances.
(b) Set fire, or cause or procure the setting on fire of any flammable material on or adjacent to forest land without taking reasonable precautions, both before and after lighting the fire, and at all times thereafter to prevent escape thereof or leave the fire before it is extinguished. **36 CFR 261.52 (k)**
(c) Set a backfire or cause a backfire to be set, except under the direct supervision of an established fire control agency or unless it can be established that the setting of such backfire is necessary for the purpose of saving life or valuable property. **36 CFR 261.52 (k)**
(d) Destroy, break down, mutilate or remove any fire control sign or poster erected by an established fire control agency in the administration of its lawful duties and authority. **36 CFR 261.52 (k)**
(e) Use or operate on or adjacent to forest land, a welding torch, tar pot, or other device which may cause a fire, without clearing flammable material surrounding the operation or without taking such other reasonable precautions necessary to ensure against the starting and spreading of fire.

Sec.7 A locomotive or other rolling stock shall not be operated unless it is equipped with and uses adequate devices to arrest the escape of glowing or burning materials or substances and is maintained in good working order to protect against the start and spread of fires along the right-of-way. A railroad shall keep its right-of-way cleared of all flammable material to a distance of 50 feet on each side of the center of the track. The railroad and any officer, employee, agent or independent contractors are jointly liable for any violation of this section.

Sec. 8 Any person, who is violating any provision of this act, causes a forest or grass fire, is liable for all damages resulting there from, including the cost of any governmental unit fighting the fire. Nothing in this act shall be construed as affecting any other right of action for damages. **36 CFR 261.52(k)**