

**Order #2012-0207-NNFG-02**

**FIRE & SMOKING RESTRICTIONS**

**NEBRASKA NATIONAL FORESTS & GRASSLANDS**

**Nebraska and Samuel R. McKelvie National Forests  
Oglala, Buffalo Gap and Ft. Pierre National Grasslands**

Pursuant to Title 16 U.S.C. § 551 and Title 36 C.F.R. § 261.50 (a) and (b), the following acts are prohibited on all National Forest System lands within the **Bessey, Pine Ridge, Fall River, Wall and Ft Pierre Ranger Districts of the Nebraska National Forests and Grasslands** located within Thomas, Blaine, Cherry, Sioux and Dawes Counties, **State of Nebraska** and Fall River, Custer, Pennington, Jackson, Stanly, Lyman and Jones Counties, **State of South Dakota**, (“the Restricted Area”) and on all roads and trails located within the Restricted Area (“the Restricted Roads and Trails”). 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, charcoal grill, coal, wood burning stove or shepherd's stove, including in developed camping and picnic grounds. 36 CFR § 261.52(a)  
EXCEPT: Devices using pressurized liquid or gas (stoves, grills or lanterns) that include shut-off valves are permitted when used in an area at least three feet or more from flammable material such as grasses or pine needles.
- 2) Smoking. 36 CFR § 261.52(c)  
EXCEPT: Within an enclosed vehicle, trailer or building.
- 3) Welding or operating an acetylene or other torch with open flame. 36 CFR § 261.52(i)
- 4) Operating or using any internal combustion engine (e.g. chainsaw, generator, ATV) without a spark arresting device properly installed, maintained and in effective working order meeting either:
  - a) Department of Agriculture, Forest Service Standard 5100-1a; or
  - b) Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). 36 CFR § 261.52(j)
- 5) Operating a chainsaw without an approved spark arrestor, chemical pressurized fire extinguisher (8 oz. capacity by weight or larger and kept with the operator) and a round point shovel with an overall length of at least 35 inches readily available for use. 36 CFR § 261.52(h)
- 6) Using an explosive. 36 CFR § 261.52(b). This includes but is not limited to fuses or blasting caps, fireworks, rockets, exploding targets, and tracers or incendiary ammunition.
- 7) Possessing or using a motor vehicle off established roads, motorized trails or established parking areas, except when parking in an area devoid of vegetation within 10 feet of the vehicle. 36 C.F.R. § 261.56

**EXEMPTIONS:**

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

1. Persons with a Forest Service permit or contract may be eligible for an exemption from Prohibitions #1, #3, #4, #5, #6 and #7. 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 firefighting force in the performance of an official duty is exempt from Prohibitions #1, #3, #4, #5, #6, #7 and #8.
3. Residents, owners or lessees within the restricted area are exempt from #1, provided such fires are within a permanent dwelling and there is a spark arrestor in working order on the chimney.

**Notice regarding Exemptions:** Holders of valid permits, leases and authorizations are on notice that when proceeding with activities that are authorized pursuant to these Exemptions, such holders 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 will be in effect from 0800 MDT on June 28, 2012 until rescinded or until midnight December 31, 2012, whichever event occurs first.

Done at Chadron, Nebraska this 28 day of JUNE, 2012.

  
For Stephen Lenzo  
Acting Forest Supervisor  
Nebraska National Forests & Grasslands

Violations of these prohibitions are punishable as a Class B misdemeanor 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).