

APPENDIX C

FOREST FIRE RULES & REGULATIONS

These rules apply to all activities on all classified forest lands within Montana during the legal Forest Fire Season, including any extension thereof (see 77-5-103(3), 76-11-101, 76-13-102(7), and 76-13-109 MCA). Reference also ARM 36.10.119 through 132.

Related State statute numbers are provided as a reference.

RULE I - DEBRIS BURNING

1. The person conducting the burn shall obtain written authorization from the recognized fire protection agency before igniting any open fire during the legal forest fire season (required by 76-13-121 MCA). The recognized fire protection agency may deny, restrict, or rescind any authorization by notifying the person conducting the burn.
2. All burning must comply with the Department of Environmental Quality or State/county/local open burning regulations.
3. Written authorization is not required for campfires.

RULE II - CAMPFIRES

1. Campfires cannot be left unattended and must be completely extinguished (see 76-13-123 MCA).
2. All campfires must be constructed in cleared or bare areas, and not allowed to spread beyond the established ring, pit, grate, or container.
3. Anyone igniting a campfire is required to have fire tools listed in Rule VIII (4).

RULE III - RAILROADS AND POWERLINES

Railroad and powerline companies are required to prepare and annually update working agreements with recognized fire protection agencies. These agreements must stress safety and fire response procedures; and identify, remove, prevent, modify, abate, or correct forest fire hazards and risks associated with railroad and powerline company operations (see 69-14-721 MCA).

RULE IV - EQUIPMENT

1. All internal combustion engines must be equipped with an approved and effective spark-arresting system, as established in the National Wildfire Coordinating Group's Spark Arrester Guides. Spark-arresting devices must be marked, properly installed, and maintained in accordance with the Guides. The following vehicles are exempt:
 - a. automobiles and light trucks of less than 23,000 GVW when all exhaust gases pass through a properly installed and maintained exhaust system, baffle-type muffler, and tailpipe. Vehicles with glass-pack mufflers do not qualify for the exemption.

- b. heavy-duty trucks of 23,000 GVW or greater, with a muffler and vertical stack exhaust system extending above the cab.
- c. vehicles with other spark-arresting systems providing equal or increased effectiveness. Such vehicles must be inspected and have written authorization from the recognized fire protection agency.

2. Equipment used for commercial, ranching, or industrial activities must meet the fire extinguisher and tool requirements listed in Rule VIII (5).

RULE V - FLAMING AND GLOWING SUBSTANCES

1. All flaming and glowing substances, including but not limited to, lighted cigarettes, cigars, ashes, and matches, must be extinguished before being discarded (see 76-13-124 MCA).
2. Smoking is allowed only at areas free of flammable or combustible material. Examples of these areas include a graveled road or an enclosed vehicle.

RULE VI - FIREWORKS

Use of fireworks is prohibited on all classified forest lands unless written authorization is obtained from the recognized fire protection agency. Authorization will only be considered between June 24 and July 5, inclusive, to coincide with the legal dates for the sale of fireworks in Montana (see 50-37-106 MCA).

RULE VII - WILDLAND/URBAN INTERFACE

1. County governments without subdivision wild-fire protection standards are encouraged to establish standards for all new subdivisions by January 1, 2000.
2. The Fire Protection Guidelines for Wildland/Residential Interface Development (DSL/DOJ, 1993) is available for use to assist counties in the development of standards.

RULE VIII - FIRE EXTINGUISHERS AND FIREFIGHTING TOOLS

1. Chainsaw operators shall carry a fully charged and operable fire extinguisher, minimum-capacity 8-ounce liquid or 1-pound dry chemical, with a 4BC or higher rating.

2. Vehicles and equipment, mobile or stationary, with a combustion engine/motor used for commercial, ranching, or industrial activities must have one operable, dry-chemical fire extinguisher with a minimum 2-1/2 -pound capacity and 4BC or higher rating.
3. Chainsaw operators shall maintain one usable shovel at chainsaw-fueling sites.
4. All persons or parties igniting a campfire shall have one usable shovel and bucket. Persons igniting a barbecue need not have a shovel or bucket if the ashes are not removed from the container and the ashes or container are not placed on or near combustible material.
5. All commercial, ranching, or industrial activities must have:
 - a. one usable shovel or pulaski with each vehicle and equipment with an internal combustion engine/motor, mobile or stationary.
 - b. one backpack pump with each vehicle and with any equipment, used off road, mobile or stationary, with an internal combustion engine/motor, that cannot be used to build fireline and is being operated on combustible material.
6. Other types of firefighting tools that provide increased efficiency or effectiveness may be substituted by written authorization from the recognized fire-protection agency. For example, a [combi] firefighting tool may be substituted for a shovel or pulaski.

RULE IX - FOREST ACTIVITY RESTRICTIONS

In areas designated by public proclamation by the administrator, division of forestry, as areas of high fire hazard, the administrator may request all persons, firms, or corporations present or engaged in any activity in the areas to voluntarily cease operations or to adjust working hours to less critical periods of the day. In the event such a request is refused, the administrator may issue a written order directing compliance.

RULE X - FOREST CLOSURE

1. During periods of dangerous fire conditions, no person may enter or be upon those forest lands designated by public proclamation by the governor of the state of Montana as areas of dangerous fire hazard except under written permit issued by a recognized agency.
2. Permits to enter upon such areas during the closure may be issued by the recognized agency upon a showing of real need by the applicant. Permits may be issued to those persons having actual residence as a permanent or principal place of abode in the forest lands designated or to persons engaged in non-fire

hazardous employment.

3. However, no permit may be required of persons engaged in either firefighting, fire prevention, or law enforcement who are engaged in official business.

RULE XI - CORRECTION OF HAZARD AND UNUSUAL CIRCUMSTANCES OR EVENTS

The recognized fire-protection agency may require identified wildland-fire hazards and/or risks be halted, prevented, abated, removed, disposed of, mitigated, or patrolled. This applies to public, private, nonprofit, commercial, and/or residential circumstances or events.

RULE XII - REQUEST FOR REVIEW

Updated 1/06

If any operator believes that in his case any requirement of a recognized agency is excessive, the operator may request the administrator, division of forestry, to review the requirements. If in the opinion of the administrator any or all are not necessary in the interest of public safety, he may make such changes as he considers advisable.

RULE XIII - DEFINITIONS

Backpack Pump: 5-gallon minimum; standard galvanized metal, fiberglass, or rubberized backpack water container with attached handpump; full of water at all times.

Bucket: Metal, plastic, canvas, or fiberglass container capable of holding at least one gallon of water. Motorcycle helmets qualify.

Campfire means a fire set for cooking, warming, or ceremonial purposes; not more than 3 feet in diameter or height; void of overhanging branches; with all combustible material cleared at least 1-1/2 times the diameter of the fire; or a barbecue in a noncombustible container.

Combi Tool: A tool combining a shovel and pick.

Fireworks: As defined in 50-37-101 MCA.

Forested Land: As defined in 76-13-102 MCA and 36.10.101 ARM.

Hazard: Condition that promotes the ignition and/or spread of a wildland fire.

Open Fire: The burning of a bonfire, rubbish fire, or other fire in an outdoor location where fuel being burned is not contained in a closed incinerator, or outdoor fireplace. Barbecue pits and burn barrels are considered open fires and therefore require a burning permit (Rule I).

Pulaski: An ax with a medium size sharp grub hoe opposite the ax blade.

Recognized Fire-Protection Authority: An agency organized for the purpose of providing fire protection and recognized by the board as giving adequate fire protection to forest lands in accordance with rules adopted by the board.

Risk: Action or device that could cause a wildland fire to ignite.

Shovel: Vehicle, equipment, and chainsaw operator shovels will have a minimum overall length of 36 inches with a round pointed shovel head with a minimum width of 6 inches. Shovels required for campfires must be at least 24-inches in length with a pointed shovel head. Folding handles qualify.

RULE XIV - APPLICABILITY

The forest fire rules, Rule I through Rule XIII, (ARM 36.10.119 through 30.10.132) are in effect each year on classified forest land during the forest fire season May 1st to September 30th inclusive, or any legal extension thereof.

Requirements pertaining to motor vehicles do not apply to those being operated solely on roads that are a part of federal or State maintained highway systems or on any paved public road.

ADMINISTRATIVE RULES RELATING TO FIRE INVESTIGATION

36.10.119 FOREST ACTIVITY RESTRICTIONS (1) In areas designated by public proclamation by the administrator, division of forestry, as areas of high fire hazard, the administrator may request all persons, firms, or corporations present or engaged in any activity in the areas to voluntarily cease operations or to adjust working hours to less critical periods of the day. In the event such a request is refused, the administrator may issue a written order directing compliance. (History: 76-13-109, MCA; IMP, 76-13-101 and 76-13-121, MCA; NEW, 1980 MAR, p. 2652, Eff. 1/1/81; TRANS, from Dept. of Nat. Res., C. 259, L. 1981, Eff. 7/1/81; TRANS, 1995 MAR p. 1958, Eff. 7/1/95.)

36.10.120 FOREST CLOSURE (1) During periods of dangerous fire conditions, no person may enter or be upon those forest lands designated by public proclamation by the governor of the state of Montana as areas of dangerous fire hazard except under written permit issued by a recognized agency.

(2) Permits to enter upon such areas during the closure may be issued by the recognized agency upon a showing of real need by the applicant. Permits may be issued to those persons having actual residence as a permanent or principal place of abode in the forest lands designated or to persons engaged in non-fire hazardous employment.

(3) However, no permit may be required of persons engaged in either firefighting, fire prevention, or law enforcement who are engaged in official business. (History: 76-13-109, MCA; IMP, 76-13-101, MCA; NEW, 1980 MAR p. 2652, Eff. 1/1/81; TRANS, from Dept. Nat. Res., C. 529, L. 1981, Eff. 7/1/81; TRANS, 1995 MAR p. 1958, Eff. 7/1/95.)

36.10.121 REQUESTS FOR REVIEW (1) If any operator believes that in his case any requirement of a recognized agency is excessive, the operator may request the administrator, division of forestry, to review the requirements. If in the opinion of the administrator any or all are not necessary in the interest of public safety, he may make such changes as he considers advisable. (History: 76-13-109, MCA; IMP, 76-13-110, MCA; NEW, 1980 MAR p. 2652, Eff. 1/1/81; TRANS, from Dept. Nat. Res., C. 529, L. 1981, Eff. 7/1/81; TRANS, 1995 MAR p. 1958, Eff. 7/1/95.)

36.10.122 APPLICABILITY (1) The forest fire rules, ARM 36.10.123 through 36.10.132 are in effect each year on classified forest lands during the forest fire season May 1st to September 30th inclusive, or any legal extension thereof. Requirements pertaining to motor vehicles do not apply to those being operated solely on roads that are a part of federal or state maintained highway systems or on any paved public road. (History: 76-13-109, MCA; IMP, 76-13-109 and 76-13-125, MCA; NEW, 1980 MAR p. 2652, Eff. 1/1/81; TRANS, from Dept. Nat. Res., C. 529, L. 1981, Eff. 7/1/81; TRANS, 1995 MAR p. 1958, Eff. 7/1/95; AMD, 1996 MAR p. 1502, Eff. 6/7/96.)

36.10.123 DEBRIS BURNING (1) The person conducting the burn shall obtain written authorization from the recognized fire protection agency before igniting any open fire during the legal forest fire season. The fire protection authority may deny, restrict, or rescind any authorization by notifying the person conducting the burn.

(2) All burning must comply with the department of environmental quality or state/county/local open burning regulations.

(3) Written authorization is not required for campfires. (History: 76-13-109, MCA; IMP, 76-13-121, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

36.10.124 CAMPFIRES (1) Campfires cannot be left unattended and must be completely extinguished.

(2) All campfires must be constructed in cleared or bare areas, and not allowed to spread beyond the established ring, pit, grate, or container.

(3) Anyone igniting a campfire is required to have fire tools listed in ARM 36.10.130(4). (History: 76-13-109, MCA; IMP, 76-13-123, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

36.10.125 RAILROADS AND POWERLINES (1) Railroad and powerline companies are required to prepare and annually update working agreements with recognized fire protection agencies. These agreements must address safety and fire response procedures; and identify, remove, prevent, modify, abate, or correct forest fire hazards and risks associated with railroad and powerline company operations. (History: 76-13-109, MCA; IMP, 76-13-101 and 76-13-201, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

36.10.126 EQUIPMENT (1) All internal combustion engines must be equipped with an approved and effective spark-arresting system, as established in the national wildfire coordinating group's Spark Arrester Guides. Spark-arresting devices must be marked, properly installed, and maintained in accordance with the Guides. The following vehicles are exempt:

(a) automobiles and light trucks of less than 23,000 GVW when all exhaust gases pass through a properly installed and maintained exhaust system, baffle-type muffler, and tailpipe. Vehicles with glass-pack mufflers do not qualify for the exemption;

(b) heavy-duty trucks of 23,000 GVW or greater, with a muffler and vertical stack exhaust system extending above the cab; and

(c) vehicles with other spark-arresting systems providing equal or increased effectiveness. Such vehicles must be inspected and have written authorization from the recognized fire protection agency.

(2) Equipment used for commercial, ranching, or industrial activities must meet the fire extinguisher and tool requirements listed in ARM 36.10.130(5). (History: 76-13-109, MCA; IMP, 76-13-125, MCA; NEW, 1996 MAR p. 2183, Eff. 6/7/96.)

36.10.127 FLAMING AND GLOWING SUBSTANCES (1) All flaming and glowing substances, including but not limited to, lighted cigarettes, cigars, ashes, and matches, must be extinguished before being discarded.

(2) Smoking is allowed only at areas free of flammable or combustible material. Examples of these areas include a graveled road or an enclosed vehicle. (History: 76-13-109, MCA; IMP, 76-13-121, 76-13-123, and 76-13-124, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

36.10.128 FIREWORKS (1) Use of fireworks is prohibited on all classified forest lands unless written authorization is obtained from the recognized fire protection agency. Authorization will only be considered between June 24 and July 5, inclusive, to coincide with the legal dates for the sale of fireworks in Montana. (History: 76-13-109, MCA; IMP, 76-13-106, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

36.10.129 WILDLAND/URBAN INTERFACE (1) County governments without subdivision wildfire protection standards are encouraged to establish standards for all new subdivisions by January 1, 2000.

(2) The Fire Protection Guidelines for Wildland/Residential Interface Development, (DSL/DOJ, 1993), is available for use to assist counties in the development of standards. (History: 76-13-109, MCA; IMP, 76-13-101, 76-13-1604, and 76-13-106, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

36.10.130 FIRE EXTINGUISHERS AND FIREFIGHTING TOOLS

(1) Chainsaw operators shall carry a fully charged and operable fire extinguisher, minimum-capacity 8-ounce liquid or 1-pound dry chemical, with a 4BC or higher rating.

(2) Vehicles and equipment, mobile or stationary, with a combustion engine/motor used for commercial, ranching, or industrial activities must have one operable, dry-chemical fire extinguisher with a minimum 2-1/2 pound capacity and 4BC or higher rating.

(3) Chainsaw operators shall maintain one usable shovel at chainsaw-fueling sites.

(4) All persons igniting a campfire shall have one usable shovel and bucket. Persons igniting a barbecue need not have a shovel or bucket if the ashes are not removed from the container and the ashes or container are not placed on or near combustible material.

(5) All commercial, ranching, or industrial activities must have:

(a) One usable shovel or pulaski with each vehicle and equipment with an internal combustion engine/motor, mobile or stationary.

(b) One backpack pump with each vehicle and with any equipment, mobile or stationary, used off road, with an internal combustion engine/motor, that cannot be used to build fireline and is being operated on combustible material.

(6) Other types of firefighting tools that provide increased efficiency or effectiveness may be substituted by written authorization from the recognized fire-protection agency. For example, a "combi" firefighting tool may be substituted for a shovel or pulaski. (History: 76-13-109, MCA; IMP, 76-13-101, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

36.10.131 CORRECTION OF HAZARD AND UNUSUAL CIRCUMSTANCES OR EVENTS (1) The recognized fire-protection agency may require identified wildland-fire hazards and/or risks be halted, prevented, abated, removed, disposed of, mitigated, or patrolled. This applies to public, private, nonprofit, commercial, and/or residential circumstances or events. (History: 76-13-109, MCA; IMP, 76-13-101, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

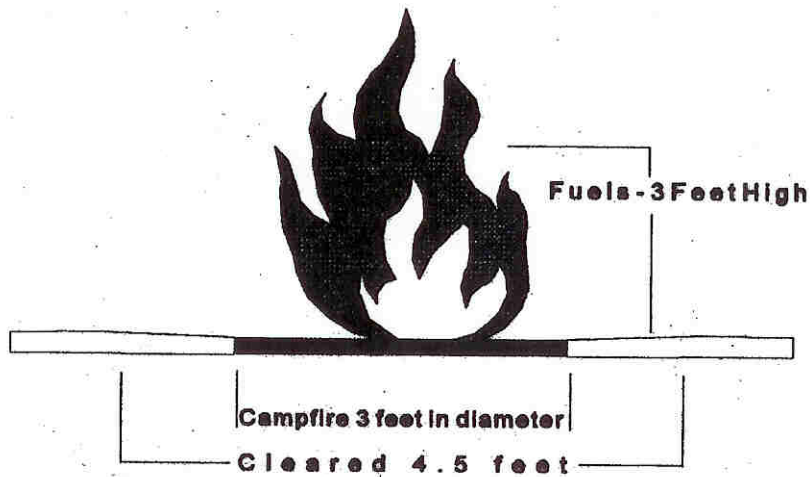
36.10.132 DEFINITIONS Unless the context requires otherwise, to aid in the implementation of the forest fire rules and regulations and as used in these rules:

(1) "Backpack pump" means a 5-gallon minimum, standard galvanized metal, fiberglass, or rubberized backpack water container with attached handpump; full of water at all times.

(2) "Bucket" means a metal, plastic, canvas, or fiberglass container capable of holding at least one gallon of water. Motorcycle helmets qualify.

(3) "Campfire" means a fire set for cooking, warming, or ceremonial purposes; not more than 3 feet in diameter or height; void of overhanging branches; with all combustible material cleared at least 1-1/2 times the diameter of the fire; or a barbecue in a noncombustible container.

No Overhanging Branches



(4) "Combi tool" means a tool combining a shovel and pick.

(5) "Fireworks" means as defined in 50-37-101, MCA.

(6) "Forested land" means land that has been classified as forest land by the department and 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 forest land.

(7) "Hazard" means a condition that promotes the ignition and/or spread of a wildland fire.

(8) "Open fire" means the burning of a bonfire, rubbish fire, or other fire in an outdoor location where fuel being burned is not contained in a closed incinerator, or outdoor fireplace. Barbecue pits and burn barrels are considered open fires and therefore require a burning permit. (See ARM 36.10.123)

(9) "Pulaski" means an ax with a medium size sharp grub hoe opposite the axe blade.

(10) "Recognized fire-protection agency" means an agency organized for the purpose of providing fire protection and recognized by the board as giving adequate fire protection to forest lands in accordance with rules adopted by the board.

(11) "Risk" means an action or device that could cause a wildland fire to ignite.

(12) "Shovel" means vehicle, equipment, and chainsaw operator shovels will have a minimum overall length of 36 inches with a round pointed shovel head with a minimum width of 6 inches. Shovels required for campfires must be at least 24 inches in length with a pointed shovel head. Folding handles qualify. (History: 76-13-109, MCA; IMP, 76-13-109, MCA; NEW, 1996 MAR p. 1502, Eff. 6/7/96.)

Rules 36.10.133 through 36.10.160 reserved