

Montana DNRC Fire Restrictions and Closures



Desk Reference Guide

PURPOSE

The purpose of fire restrictions is to reduce the risk of human-caused fires during unusually high fire danger and/or burning conditions.

Because fire restrictions impose limitations on the public, they are only implemented after all other prevention measures have been taken. These measures include at the very least: increasing the number of prevention signs, public contacts, media campaigns, etc.

Fire restrictions are considered when high to extreme fire danger is predicted to persist. Other considerations are the level of human-caused fire occurrences being experienced, availability of fire fighting resources, potential high-risk occasions (4th of July, etc.), and large fire activity occurring in an area. Fire restrictions are considered as one of the last prevention tools to be used and are not considered the entire prevention program.

Restrictions are implemented in order to allow work and recreational activities to continue during periods of heightened fire activity. By restricting or limiting some activities such as open fires or only allowing logging under Hoot Owl conditions work and recreational activities can continue with a reduced risk of wildfire.

Emergency closures have an extreme impact on the public and fire agencies, and are discouraged except under the most severe conditions. Closures are implemented only in situations where the public's safety cannot be guaranteed. Closures are not justified by fire danger alone, but are driven by the potential for risk to life safety due to extreme fire behavior, high potential for human-caused fires, severe shortages of resources, and numerous large fires.

In recent years agencies have worked hard to avoid implementing wide spread closures, and have had great success working with narrowly applied site-specific closures. Most closures in the recent past have been in and around active large fire incidents or in areas where a fire would put lives in peril, such as the trail to the "M" on Mount Sentinel.

AUTHORITY TO INVOKE RESTRICTIONS

Fire restrictions and closures are invoked on state, federal, tribal trust, and private lands under federal and state laws and are implemented by the appropriate land agency or the recognized fire protection agency.

State of Montana

The parent law for the regulations is Montana Code Annotated (MCA) 76-13-109. Under these regulations, the Administrator of the Division of Forestry (i.e. State

Forester) may invoke fire restrictions by issuing a proclamation. Only the Governor invokes closures under these regulations, not the Forestry Division Administrator, and the regulations provide for the issuance of entry permits. The Montana Governor may also use part of the Military Affairs and Disaster and Emergency Services laws to close an area. MCA 10-3-103 defines an emergency or disaster as a fire or condition that could be considered a disaster or emergency.

The DNRC has the authority to invoke fire restrictions on non-federal lands classified as forestland. Here's a map showing the classified forestlands in Montana:



Montana Counties

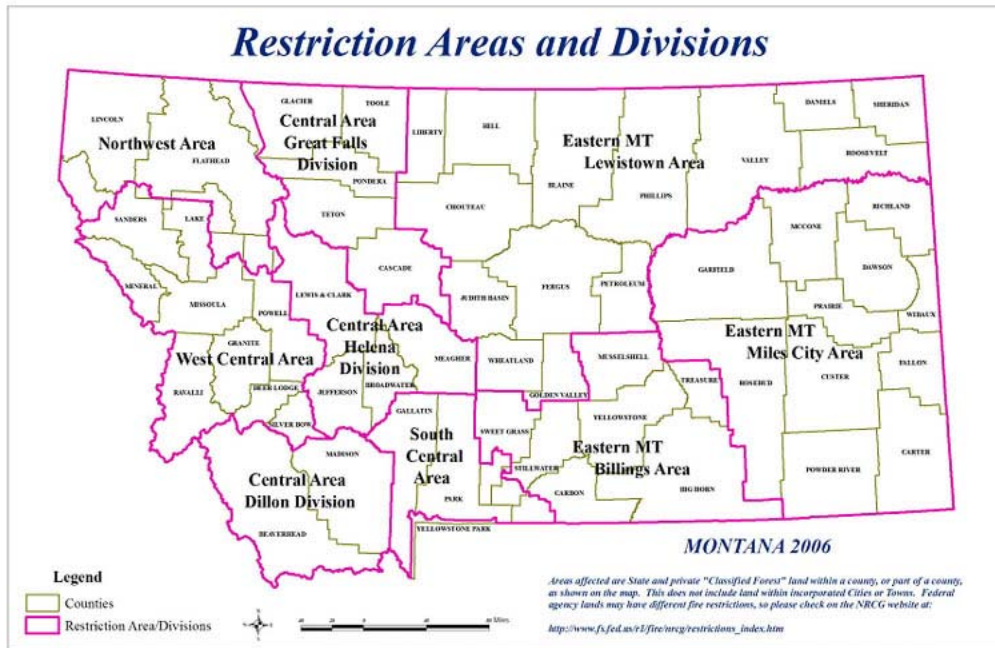
The Montana constitution, as well as Montana Code Annotated, provides counties in Montana the authority to impose restrictions and closures.

7-1-101. Self-government powers. As provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

7-33-2205. Establishment of fire season -- permit requirements. The county governing body may in its discretion establish fire seasons annually, during which no person may ignite or set any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any forest, range, or croplands subject to the provisions of this part without having obtained an official written permit to ignite or set such fire from the recognized protection agency for that protection area.

Agencies/tribes are responsible for incorporating the geographic guidelines into their appropriate policy and procedures manuals. Restrictions and closure procedures

shall be uniform across individual areas and the geographic area:



THE RESTRICTIONS PROCESS

Every spring, Area Agency Administrators/Tribal Chairpersons, law enforcement personnel, fire managers, and public information personnel, review and validate the restriction and closure plan and applicable agency/tribal documents.

Initiation

The Area Restrictions Coordinator coordinates approval of all the proclamations, but each Agency is responsible for assuring that documents are completed and signed.

When local conditions approach threshold levels, areas begin discussing the initiation of fire restrictions. These threshold levels are determined by all wildland agencies/tribes in the area before the onset of fire season. These guidelines are part of the Area's Restriction and Closure Plan. The process for restrictions should include a public awareness campaign, keeping the media and public informed of the possibility of restrictions. The Area Restriction Coordinator initiates discussion with the area fire managers, and coordinates the process with the adjacent area restriction coordinators. This decision process should be started early enough so all agencies/tribes in the area have time to plan, properly distribute the restriction documents, and notify the public.

When fire managers in the area have reached a consensus that restrictions are needed, they inform their respective Area Agency Administrator/Tribal Chairpersons that the thresholds for implementing fire

restrictions have been reached. All agencies and tribes then coordinate the restriction stages, implementation and rescissions, and timing of media releases.

Implementation

The Area Restriction Coordinator coordinates approval of all the proclamations. Each Agency Administrator/Tribal Chairperson is responsible for assuring that documents are completed and signed.

The Area Restriction Coordinator coordinates informing the public according to the public notification plan that is outlined in the annual restriction and closure plan.

Once a restriction is in effect, participating agencies/tribes do not issue exemptions, exceptions, or waivers to the agreed-upon restrictions except through written individual permits. If permits are issued, affected agencies/tribes within the fire restriction are notified to avoid confusion among law enforcement and fire personnel.

Areas plan restrictions for the long-term danger and do not jump at short fluctuations in risk, weather, and fire danger/behavior.

Each agency/tribe is responsible for informing their employees of the restrictions being enacted. Those responsible for public contact (receptionists, etc.) will be provided with a copy of the restrictions and appropriate map.

Rescissions

Areas plan restrictions for the long-term danger and do not jump at short fluctuations in risk, weather, and fire danger/behavior. When Area Agency Administrators/Tribal Chairpersons agree that the restriction should be removed, the Area Restriction Coordinator will coordinate public information as conditions warrant.

STAGE I AND STAGE II RESTRICTIONS

There are two fire restriction stages: Stage I and Stage II. Each agency/tribe within a fire restriction area must write its own proclamation that authorizes the restrictions within its jurisdiction. Each agency/tribe is responsible for using its own format and having their legal counsel review the document to assure it is correct and enforceable.

While each agency has an individual proclamation, care is taken to keep the proclamations consistent. The language in Stage I & II Proclamations has been agreed upon by the interagency partners. In order to reduce confusion and standardize the restrictions, the following criteria is used in all restriction documents:

STAGE I RESTRICTIONS

The following acts are prohibited until further notice:

1. Building, maintaining, attending, or using a fire or campfire except within a developed recreation site, or improved site.
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.

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off.
3. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
4. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
5. All land within a city boundary is exempted.
6. Other exemptions unique to each agency/tribe.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

STAGE II RESTRICTIONS

The following acts are prohibited until further notice:

1. Building maintaining, attending, or using a fire or campfire.
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.
3. The following acts are prohibited from 1:00 p.m. to 1:00 a.m.:
 - a. Operating any internal combustion engine.
 - b. Welding, or operating acetylene or other torch with open flame.
 - c. Using an explosive.

A patrol is required for two hours following cessation of all work as described above.

4. Operating motorized vehicles off designated roads and trails.

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off.
3. Operating motorized vehicles on designated roads and trails.

4. Emergency repair of public utilities and railroads as per attached conditions.
5. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
6. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
7. All land within a city boundary is exempted.
8. Other exemptions unique to each agency/tribe.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

CLOSURES

Large-scale closures are not entered into lightly; they can create economic and social impacts and lingering resentment when imposed. On lands administered by State and County agencies, only the Governor can sign closure proclamations. In recent years there has been an effort to rely on smaller area specific closures that are placed in areas where there are ongoing fire activities or in areas where there is a high probability of danger to lives if a fire does occur.

Large-scale closures are not entered into lightly; they can create economic and social impacts and lingering resentment when imposed.

When contemplating closures the following criteria are imposed:

- Potential loss of life due to explosive fire conditions.
- Potential for extreme or blowup fire behavior.
- Stage II restrictions are not effective in reducing the number of human-caused fires.
- Resources across the geographic area are at a critical shortage level.

The following standard exemptions will be allowed during closure and will be noted on all closure documents.

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Emergency repair of public utilities and railroads as per attached conditions.
3. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
4. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
5. All land within a city boundary is exempted.
6. Other exemptions unique to each agency/tribe.

PERMITS AND EXEMPTIONS

In addition to the standard exemptions that are written into the proclamations each agency is allowed to write blanket exemptions and individual exemptions. The blanket exemptions, such as the emergency work exemption for rail roads and power lines, are written well in advance of the fire season and are in place to allow emergency work that is in the best interest of the community. Individual exemptions can be written by the land office or unit to allow work or other activities if the activity can be performed in a safe manner and if it is in the best interest of all involved to allow the activity.

ENFORCEMENT

Over the years many counties, as well as the DNRC, have struggled with the task of enforcing the restrictions that are implemented as a result of fire danger. The DNRC does not have a law enforcement branch, and therefore it must rely upon city, county and state law enforcement agencies to enforce the restrictions and closures.

These restrictions are not entered into lightly, and are enacted for a number of reasons, the first of which is public and fire fighter safety, followed by the protection of natural resources and other values. Remember that restrictions are a collaborative process, and all agencies have an equal right and duty to ensure that we present the public with a unified voice. We must work to ensure that the public is presented with an easily understood process that is no more cumbersome nor restrictive than is necessary.

Based upon discussions with the Missoula County Attorney's Office, Plum Creek Timber Company, Confederated Salish & Kootenai Tribes and various land use agencies within Missoula County Sheriff Mike McMeekin developed the following guidelines which constitute the recommended response to violations of restrictions and closures related to the fire danger in Missoula County:

Our focus is public safety and prevention;

The collective opinion is that our first contact with violators should be resolved with documented warnings unless circumstances dictate otherwise. The level of documentation depends on the situation, but please consider including digital photographs of the campsites, vehicles and individuals when dealing with transient groups, etc.;

If the warning is unsuccessful either by refusal or subsequent violation:

- Violations involving an illegal fire: You may cite either for burning without a permit under **7-33-2206, MCA** or for obstructing a peace officer as noted below;

- Violations not involving an illegal fire (camping in closed area, motor vehicle off approved roadway, etc.): You may cite for obstructing a peace officer or other public servant under **45-7-302 (1), MCA** under the “*performance of a governmental function*” clause;
- Violations of private land closures:
 - Plum Creek:** You may cite for criminal trespass under **45-6-203 (1) (b), MCA**;
 - Other private property:** Check with the landowner of record about how it is to be handled.

Tribal lands: If violation occurs on tribal lands it is to be handled as follows:

Non-tribal member: You may cite for offenses as noted above;

Tribal member: Write a brief report on the incident and forward it to tribal law enforcement in Pablo. FAX is 406-675-4702. Mailing address is P.O. Box 278, Pablo, MT 59855;

While these guidelines were developed within Missoula County, they are based on state law and, as such, should be appropriate for all counties in Montana.

Frequently Asked Questions



Serving the Public

Perhaps the biggest challenge in the Restrictions and Closures process is keeping our many publics informed, and dealing with their questions. When receiving an inquiry from a member of the public it is our goal to get them the answer as quickly and as efficiently as possible. Too often the public gets the feeling that we are giving them the “run around” as we shuttle their call from person to person as we try to find someone, anyone with the answer to their question.

If we give a little thought to finding the best way to get the answer, or the question to the right person, we can streamline the process and give superior service to our customers.

When the call first comes in our first thought should be: Is this something I can answer? Either I know the answer, or the answer is available to me in the Frequently Asked Questions, or another section of this Desk Reference. If you have the answer, by all means give it to the caller.

If you don't know or can't find the answer, the next question to yourself should be; Is this something my agency is responsible for? If you work for the DNRC in Libby and the call is about campfires in the Custer National Forest you would use the Area Coordinators List and direct them to call the Area Coordinator for the Eastern Montana Miles City Area. In addition to giving them the name and number of the Area Coordinator direct them to the NRCG Restrictions Website at:

http://www.fs.fed.us/r1/fire/nrcg/restrictions_index.htm.

If it is a question that is pertinent to your agency, and you don't know, or can't find the answer, then you will need to direct the call to the proper person in your organization. Many times these difficult questions will require an interpretation, or even discussion among cooperators. But by getting the caller to the right person as quickly as possible we are providing the best customer service possible and improving relations with our public.

It's o.k. to say you don't know the answer. Another option – if the question is something we need to provide clarification on and no one is available – is to ask the caller for his or her phone number and tell him or her you will call them back with the answer.

Using this desk reference guide and completing the restrictions training, you probably know more about restrictions than you think. We've provided the reference and the Frequently Asked Questions (FAQ) for probably 90% of the questions you will field related to restrictions. Use the guide and your training to work through questions, and before long, you'll be an expert on fire restrictions!

FREQUENTLY ASKED QUESTIONS

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. When we are in Stage I, can I have a campfire at my home or private recreation site?

- This depends on where you are located. Contact your local, state, or government agencies to see what regulations are imposed.

10. 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.

11. If open burning is okay, but we are in Stage I restrictions, can I have a fire if I call it a bonfire, rather than a campfire?

- It still must meet the requirements of having a campfire in Stage I – all acts of building, maintaining, attending, or using a fire or campfire except within a developed recreation site, or improved site are prohibited in Stage I restrictions.

12. 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.

13. 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 #10.

Barbeques/Cooking/Heating

14. 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 tall brush or vegetation.

15. 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.

16. Can river rafters use charcoal if they are using a certified river pan?

- Under Stage I restrictions, this is okay. This would be restricted during Stage II.

17. Can I use LPG (liquid-petroleum) or gas-fueled stoves?

- Yes, these are allowed under Stage I and Stage II restrictions. **TIP:** Can you turn your device on/off? If you can, then generally that device is ok.

Camp Stoves

18. Can I use an enclosed wood burning camp stove in my hard-sided tent or camper?

- This would be ok during Stage I restrictions, but 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.

During Stage II restrictions, can I use an enclosed wood or shepherd 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.

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.

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

19. 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.

20. Can I shoot guns?

- Shooting is not an activity that is subject to Stage I or 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. Are fireworks allowed under Stage I restrictions?

- Montana code annotated prohibits the use of fireworks in classified forest areas.

26. Can I use open flame devices, such as Tiki lamps or citronella candles?

- Stage I: Yes, but use them in an area that fits the requirement of smoking during restrictions. They are ok to use within an enclosed building, a developed recreation site or while in an area at least 3 feet in diameter that is barren or cleared of all flammable materials.
- Stage II: Open flame devices are not allowed during Stage II restrictions except within an enclosed building.

Internal Combustion Equipment

27. Can I use a generator at a dispersed or unimproved campsite?

- Generators are considered an internal combustion engine, and therefore need to comply with those restrictions.
 - Stage I: Generators are ok to use during Stage I restrictions. **TIP:** Keep generators clear of vegetation and flammable debris, and ensure your generator has an approved spark arrestor.
 - Stage II: The use of generators will fall 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. (see question # 18.)

28. Can I mow the lawn and use my weed eater?

- In Stage I, this is certainly acceptable. **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. During Stage II restrictions, you must follow the requirements of internal combustion engines. In any case, it is best to mow the lawn in the morning, when it is cooler outside and the humidity is up.

29. What about mowing dry weeds with power mowers for fuel reduction around my home?

- The same answer would apply as in the above question. This activity is allowed under Stage I restrictions, but under Stage II, you must follow the restriction requirements for internal combustion engines.

30. 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.

31. 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 not an activity that is subject to Stage I or II restriction, and is therefore not restricted. **TIP:** If you plan to go off of designated roads or if you are involved in commercial activities, state law requires you to have these items.

32. 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.

33. REGARDING PROHIBITED ACTS FROM 1:00 P.M. to 1:00 A.M (AKA "Hoot Owl") - This applies only when in Stage II Restrictions:

- 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.
- 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.
- 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

34. 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.

35. 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 are 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.

36. 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.

37. 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.

38. 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?

- This is allowed when in Stage I restrictions. However, driving off road is restricted under Stage II for land classified as forested. 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.

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

- Under Stage I restrictions, yes, but 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.

40. 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.

Appendix A

Restriction Proclamations

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

PROCLAMATION

SPECIAL FIRE RESTRICTIONS - STAGE I

This Proclamation is issued in compliance with State of Montana Fire Regulation Number 9 (Sub-Chapter 1, 36.10.119 Administrative Rules of Montana) promulgated under authority of Section 76-13-109 Montana Code Annotated which restricts certain activities on forest lands (as defined under Section 76-13-102(8) Montana Code Annotated).

The following acts are prohibited on all State lands and private forested lands lying within the boundaries of Stillwater County. These restrictions become effective as of 0001 a.m. Mountain Daylight Time, Friday, July 22, 2005 and will remain in effect until rescinded or revoked:

1. Building, maintaining, attending, or using a fire or campfire except within a developed recreation site, or improved site.
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.

EXEMPTIONS:

- a. Persons with a written permit that specifically authorizes the otherwise prohibited act.
- b. Persons using a fire solely fueled by liquid petroleum or LPG fuels.
- c. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
- d. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
- e. All land within a city boundary is exempted.
- f. Other exemptions unique to each agency.

Dated this 19th day of July 2005, at Missoula, Montana.

/S/ Robert Harrington
ROBERT A. HARRINGTON
STATE FORESTER

Failure to comply with this order is a misdemeanor punishable by a fine of not more than \$500 or imprisonment in a county jail for not more than 6 months or both (76-13-112 Montana Code Annotated).

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

PROCLAMATION

SPECIAL FIRE RESTRICTIONS - STAGE II

This Proclamation is issued in compliance with State of Montana Fire Regulation Number 9 (Sub-Chapter 1, 36.10.119 Administrative Rules of Montana) promulgated under authority of Section 76-13-109 Montana Code Annotated which restricts certain activities on forest lands (as defined under Section 76-13-102(8) Montana Code Annotated).

The following acts are prohibited on all State lands and private forested lands lying within the boundaries of Lake County, Lincoln County, Flathead County outside the boundaries of Glacier National Park and the Bob Marshall Wilderness Complex and Sanders County within the boundaries of the Kootenai National Forest. These restrictions become effective as of 0001a.m. Mountain Daylight Time, Monday, August 15, 2005 and will remain in effect until rescinded or revoked:

1. Building maintaining, attending, or using a campfire.
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.
3. The following acts are prohibited from 1:00 p.m. to 1:00 a.m.:
 - d. Operating any internal combustion engine.
 - e. Welding, or operating acetylene or other torch with open flame.
 - f. Using an explosive.

A patrol is required for two hours following cessation of all work as described above

4. Operating motorized vehicles off designated roads and trails.

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off.
3. Operating motorized vehicles on designated roads and trails.
4. Emergency repair of public utilities and railroads as per attached conditions.
5. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.

Dated this 11th day of August 2005, at Missoula, Montana.

/S/ Robert A. Harrington

Robert A. Harrington

STATE FORESTER

Failure to comply with this order is a misdemeanor punishable by a fine of not more than \$500 or imprisonment in a county jail for not more than 6 months or both (76-13-112 Montana Code Annotated).

Appendix B

NRCG Restriction Plan

Appendix F

NORTHERN ROCKIES COORDINATING GROUP (NRCG) RESTRICTION & CLOSURE PROCEDURES JUNE 1, 2001 UPDATED JULY 2004

PURPOSE	1
AUTHORITY	1
AREAS	1
PROCESS FOR FIRE RESTRICTIONS	1
INITIATION	1
IMPLEMENTATION	2
RESCISSION	2
PROCESS FOR CLOSURES	2
APPENDIX 1: AUTHORITIES	3
APPENDIX 2: ROLES AND RESPONSIBILITIES	5
APPENDIX 3: AREA BOUNDARIES	6
IDAHO	6
MONTANA	7
NORTH DAKOTA	8
SOUTH DAKOTA	9
APPENDIX 4: GUIDELINES FOR IMPLEMENTING RESTRICTIONS	10
APPENDIX 5: STAGE I AND STAGE II RESTRICTIONS	11
APPENDIX 6: CLOSURE GUIDELINES	13
APPENDIX 7: DEFINITIONS	14
APPENDIX 8: STAGE II AUTHORIZED EXEMPTIONS	16
PUBLIC UTILITIES – EMERGENCY WORK ONLY	16
RAILROAD COMPANIES – EMERGENCY WORK ONLY	19

NORTHERN ROCKIES COORDINATING GROUP (NRCG)
RESTRICTION & CLOSURE PROCEDURES
JUNE 1, 2001
UPDATED JULY 2004

PURPOSE

The purpose of fire restrictions is to reduce the risk of human-caused fires during unusually high fire danger and/or burning conditions. Fire restrictions impose many limitations on the public, and therefore should be implemented only after all other prevention measures have been taken. These measures include, but are not limited to: increasing the number of prevention signs, public contacts, media campaigns, etc. Fire restrictions should be considered when high to extreme fire danger is predicted to persist. Other considerations are the level of human-caused fire occurrences being experienced, firefighting resources available, potential high-risk occasions (4th of July, etc.), and large fire activity occurring on a unit. Fire restrictions should be considered one of the last prevention tools to be used. Restrictions should not be considered the prevention program.

Emergency closures have an extreme impact on the public and fire agencies, and are discouraged except under the most severe conditions. Closures should be implemented only in situations where the public's safety cannot be guaranteed. Closures are not justified by fire danger alone, but should be driven by the potential for risk to life safety due to extreme fire behavior, high potential for human-caused fires, severe shortages of resources, and numerous large fires.

AUTHORITY

Fire restrictions and closures are invoked on state, federal, tribal trust, and private lands under federal and state laws (Appendix 1). Agency Administrators/Tribal Chairpersons are responsible for coordinating with other agencies/tribes, issuing appropriate documents, and the enforcement of restrictions and closures for those lands on which they have authority (Appendix 2).

Agencies/tribes are responsible for incorporating the geographic guidelines into their appropriate policy and procedures manuals. Restrictions and closure procedures shall be uniform across individual areas and the geographic area.

AREAS

For the ease of implementation and coordination, the geographic area will be divided into fire restriction and closure areas (Appendix 3). Managers and Agency Administrators/Tribal Chairpersons within the area will have the flexibility to decide how much of the area needs to be placed in or out of a specific restriction stage or closure. If conditions do not warrant restrictions or closures throughout the whole area, then only that portion of the area meeting critical levels should be placed under restrictions or closures. Areas of restriction or closure must be easily recognizable by the public.

PROCESS FOR FIRE RESTRICTIONS

Every spring, Area Agency Administrators/Tribal Chairpersons, law enforcement personnel, fire managers, and public information personnel, will review and validate the restriction and closure plan and applicable agency/tribal documents. All press releases, description of stages, and other necessary agency/tribal documents should be available in template format before the start of the fire season.

Initiation

When the conditions within an area approach threshold levels, areas should begin planning the initiation of fire restrictions. These threshold levels should be determined by all wildland agencies/tribes in the area before the onset of fire season. These guidelines will become part of the Area's Restriction and Closure Plan (Appendix 4). The planning process for restrictions should include a public awareness campaign, keeping the media and public informed of the possibility of restrictions. The Area Restriction Coordinator, who is chosen by the Agency Administrators/Tribal Chairpersons within the area, should coordinate all restriction actions (Appendix 2). The Area Restriction Coordinator will initiate discussion with the area fire managers, and coordinate the process with the adjacent area restriction coordinators. This decision process should be started early enough so all agencies/tribes in the area have time to plan, properly distribute the restriction documents, and notify the public.

When fire managers in the area reach consensus that restrictions are needed, they will inform their respective

Area Agency Administrator/Tribal Chairpersons that the thresholds for implementing fire restrictions have been reached. All agencies and tribes will coordinate the restriction stages, implementation and rescissions, and timing of media releases.

Implementation

The Area Restriction Coordinator will coordinate approval of all agency/tribal documents. Each Agency Administrator/Tribal Chairperson will be responsible for assuring that documents are completed and signed. The documents will be based on the elements listed in Appendix 5.

The Area Restriction Coordinator will coordinate public notification. Each Area's Restriction and Closure Plan will include a media communications process. When implemented, the restriction media release must be clear, concise, and understandable to the public. Each agency/tribe will post signs and notifications, according to their procedures and regulations, to inform the public of the restrictions.

Once a restriction is in effect, participating agencies/tribes will not issue exemptions, exceptions, or waivers to the agreed-upon restrictions except through written individual permits. If permits are issued, affected agencies/tribes within the fire restriction area will be notified to avoid confusion among law enforcement and fire personnel.

Each agency/tribe will be responsible for informing their employees of the restrictions being enacted. Those responsible for public contact (receptionists, etc.) will be provided with a copy of the restrictions and appropriate map.

Rescissions

Areas should plan restrictions for the long-term danger and not jump at short fluctuations in risk, weather, and fire danger/behavior. When Area Agency Administrators/Tribal Chairpersons agree that the restriction should be removed, the Area Restriction Coordinator will coordinate public information as conditions warrant.

PROCESS FOR CLOSURES

When fire danger/behavior threatens firefighter and public safety, the Geographic Agency Administrators can implement large-scale closures. These large-scale closures may involve multiple areas and/or multiple jurisdictions. Implementation, rescission, and public notification of these closures will occur at the geographic level. Standard exemptions for closures have been agreed upon by the Geographic Agency Administrators and are found in Appendix 6.

Area closures covering a small area will be used when safety of the public and/or firefighters is a concern. These closures are typically warranted when there is an on-going incident and/or extreme fire conditions. The closures should be coordinated and all agencies/tribes within the Area and with adjacent Areas should be informed. Exemptions to incident related closures will be authorized by the Agency Administrator/Tribal Chairperson and/or the Incident Commander.

APPENDIX 1

AUTHORITIES

Fire restrictions and closures can be invoked on state, federal, and private lands under federal and state laws. The following are a reference of those authorities:

Forest Service

For Closures

36 CFR 261.52(e) – Going into or being upon an area

For Restrictions

36, CFR 261.50 – Fire

General that applies to both restrictions and closures

16 USC 551 and 18 USC 3559 and 3571 – Violation/Penalties

36 CFR 261.51 – Posting Requirements

BLM

Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701, et seq.),
Sections 302(b) and 301(a) 43, CFR, Part 9210 (Fire Management) 43, CFR, Part 9212 (Wildfire Prevention)

Confederated Salish & Kootenai Tribes and Flathead Agency

Forest restrictions and closures are issued by the Tribal Chairperson and Agency Superintendent under authority established in 25 CFR 163.3, 25 CFR 163.28, the Hell Gate Treaty, the Tribal Constitution, and the Tribal Forest Products Harvesting Ordinance 61C. Forest restrictions and closures may be applied on all tribal trust and tribal fee lands within the exterior boundaries of the Flathead Indian Reservation.

State of Idaho

Using ICA 38-115 as the authority, the State Board of Land Commissioners developed supplemental rules and regulations that the Director of the Department of Lands is responsible to apply. Rule IDAPA 20.04.01.060 covers campfire and other burning permits; IDAPA 20.04.01.070 provides for area closures; IDA.PA 20.04.01.090 allows for invoking smoking limitations; and IDAPA 20.04.01.120 permits limiting activities to the least dangerous portion of the day. In dealing with Idaho on joint restrictions, consider that rules 20.04.01.070 and 20.04.01.120 require newspaper publication, and the State may need more lead time than a Federal agency. Any restriction implemented by the Director of the Department of Lands will apply to forest and rangelands as defined in ICA 38-101.

State of Montana

The parent law for the regulations is Montana Code Annotated (MCA) 76-13-109. Under these regulations, the Administrator of the Division of Forestry may invoke fire restrictions by issuing a proclamation. The Governor must do closure under these regulations, not the Administrator, and the regulations provide for the issuance of entry permits. The Montana Governor may also use part of the Military Affairs and Disaster and Emergency Services laws to close an area. MCA 10-3-103 defines an emergency or disaster as a fire or condition that could be considered a disaster or emergency.

Montana Counties

The Montana constitution, as well as Montana Code Annotated, provides counties in Montana the authority to impose restrictions and closures.

7-1-101. Self-government powers. As provided by Article XI, section 6, of the Montana constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

7-33-2205. Establishment of fire season -- permit requirements. The county governing body may in its discretion establish fire seasons annually, during which no person may ignite or set any forest fire, slash-burning fire, land-clearing fire, debris-burning fire, or open fire within the county protection area on any forest, range, or croplands subject to the provisions of this part without having obtained an official written permit to ignite or set such fire from the recognized protection agency for that protection area.

APPENDIX 2

ROLES AND RESPONSIBILITIES

Agency Administrator and/or Tribal Chairperson

1. The **Area** Agency Administrator/Tribal Chairperson is responsible for the following:
 - Identifying a lead area agency administrator responsible for facilitating the decision-making and implementation process.
 - Following and endorsing the NRCG Restriction Guidelines.
 - Selecting an area restriction /closure coordinator.
 - Developing an Area Restrictions and Closure Plan.
 - Ensuring that the restriction coordinator has the tools they need to perform successfully.
 - Ensuring that agency restriction documents are accurate and approved through their legal counsel.
 - Ensuring that their agency follows all measures stated in their restrictions document.
 - Monitoring the success of the enacted restriction and providing timely feedback to the area restrictions coordinator.
2. The **Geographic** Agency Administrator/Tribal Chairperson is responsible for the following:
 - Incorporating NRCG guidelines into agency policy and procedures manuals.
 - Ensuring that NRCG has the support, they need to perform successfully.
 - Ensuring the Area Agency Administrators consistently implement restrictions procedures as described in this document.
 - Coordinating the implementation, rescission, and public notification of restrictions on a large-scale basis.
 - Coordinating the implementation, rescission, and public notification of closures on a large-scale basis.

Geographic Restriction Coordinator

The geographic restrictions coordinator is responsible for:

- Facilitating the restrictions implementation and rescission process on a geographic basis.
- Monitoring restrictions activity across all Areas.
- Providing an assessment of conditions and issues to the Geographic Agency Administrators.
- Coordinating the need for large-scale closures across all agencies.
- Maintaining a geographic website for restrictions and closures information.

Area Restriction Coordinator

The Area Restriction Coordinator (ARC) is responsible for:

- Facilitating the restrictions implementation process.
- Coordinating public notification.
- Gathering all information needed from each cooperator needed to make informed decisions. Monitoring fire activity, ERC levels as well as prevention efforts.
- Communicating and coordinating with neighboring areas on their restriction and closure activity.
- Identifying a person for media contacts for the area.
- Monitoring and gathering information for timely rescission of orders.

Northern Rockies Coordinating Group (NRCG)

NRCG is responsible for:

- Developing and maintaining the Restriction and Closure Procedures.
- Ensuring that training is provided to agency personnel and cooperators.
- Providing a Geographic Restrictions Coordinator.

APPENDIX 3

AREA BOUNDARIES

IDAHO

~ MAP WOULD GO HERE ~

Specific detailed information and any updates can be found at: www.fs.fed.us/r1/fire/nrcg and by clicking on the restrictions and closures button.

Northern Idaho Area Includes:

All lands within Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, and Lewis counties. All lands outside of the Frank Church River of No Return, Gospel Hump, and Selway-Bitterroot Wilderness Areas in Clearwater, Idaho, and Lemhi counties.

Area 10 Includes:

All public lands within the Frank Church River of No Return, Gospel Hump, and Selway-Bitterroot Wilderness areas located in: Idaho: Idaho, Lemhi, Valley, Custer, and Clearwater counties. Montana: Ravalli and Missoula counties.

APPENDIX 3

AREA BOUNDARIES

MONTANA

~ MAP WOULD GO HERE ~

Specific detailed information and any updates can be found at: www.fs.fed.us/r1/fire/nrcg and by clicking on the restrictions and closures button.

Northwest Montana Area Includes:

All lands within Flathead and Lincoln Counties, and the portion of Lake County outside of the Flathead Reservation, and all lands administered by the Kootenai and Flathead National Forests, and all of Glacier National Park.

Southwest Montana Area Includes:

Mineral, Missoula, Powell, Ravalli, Granite, Deer Lodge, and Silver Bow Counties, the Flathead Indian Reservation, and the portion of Sanders county outside the Kootenai National Forest.

Central Montana Area Includes:

Beaverhead, Broadwater, Cascade, Jefferson, Lewis and Clark, Madison, Meagher, Pondera, Teton, Toole Counties, and Glacier County outside of Glacier National Park.

South Central Montana Area Includes:

Park and Gallatin Counties, and the Gallatin National Forest.

Eastern Montana - [Billings Area](#) Includes:

Big Horn, Carbon, Musselshell, Sweet Grass, Stillwater, Treasure, and Yellowstone Counties.

Eastern Montana - [Lewistown Area](#) Includes:

Blaine, Chouteau, Daniels, Fergus, Golden Valley, Hill, Judith Basin, Liberty, Petroleum, Phillips, Roosevelt, Sheridan, Valley, and Wheatland Counties.

Eastern Montana - [Miles City Area](#) Includes:

Carter, Custer, Dawson, Fallon, Garfield, McCone, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties.

APPENDIX 3

AREA BOUNDARIES

NORTH DAKOTA

~ MAP WOULD GO HERE ~

Specific detailed information and any updates can be found at: www.fs.fed.us/r1/fire/nrcg and by clicking on the restrictions and closures button.

North Dakota Area Includes:

All Dakota Prairie National Grasslands located within Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Grant, Golden Valley, Hettinger, Mercer, McKenzie, Morton, Oliver, Sioux, Slope, Stark, and Williams Counties.

All Bureau of Land Management lands within the North Dakota Field Office.

APPENDIX 3

AREA BOUNDARIES

SOUTH DAKOTA

~ *MAP WOULD GO HERE* ~

Specific detailed information and any updates can be found at: www.fs.fed.us/r1/fire/nrcg and by clicking on the restrictions and closures button.

South Dakota Includes:

All National Forests and Grasslands within the Sioux Ranger District of the Custer National Forest and the Grand River District of the Dakota Prairie Grasslands.

All Bureau of Land Management lands within the South Dakota Field Office.

APPENDIX 4

GUIDELINES FOR IMPLEMENTING RESTRICTIONS

When weather factors or fire suppression impacts become a concern, the following criteria can be used to help determine if a restriction is justified. Before the fire season, each area should review these evaluation guidelines to help determine threshold levels that substantiate the need for each restriction. These thresholds for restrictions should well exceed the normal fire season conditions.

Examples include:

- 1,000-Hour fuel moisture content.
 - 3-day mean energy release component.
 - Live fuel moisture content.
 - Fire danger rating adjective class is at very high or extreme.
- Fires are impacting available suppression resources making adequate initial attack difficult.
 - Area is receiving a high occurrence of human-caused fires.
 - Adverse fire weather conditions and risks are predicted to continue.
 - Life safety is jeopardized.

APPENDIX 5

STAGE I AND STAGE II RESTRICTIONS

There will be two fire restriction stages: Stage I and Stage II. Each agency/tribe within a fire restriction area must write its own agency/tribal document that authorizes the restrictions within its jurisdiction. Each agency/tribe is responsible for using its own format and having their legal counsel review the document to assure it is correct and enforceable. Appendix 8 contains the Stage II Fire Restriction Authorized Exemptions for Public Utilities and Railroad Companies. These terms and conditions tie back to exemption number four.

To reduce confusion and standardize the restrictions, the following criteria will be used in all restriction documents:

STAGE I

The following acts are prohibited until further notice:

7. Building, maintaining, attending, or using a fire or campfire except within a developed recreation site, or improved site.
8. 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.

Exemptions:

7. Persons with a written permit that specifically authorizes the otherwise prohibited act.
8. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off.
9. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
10. Any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.
11. All land within a city boundary is exempted.
12. Other exemptions unique to each agency/tribe.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

STAGE II

The following acts are prohibited until further notice:

5. **Building maintaining, attending, or using a fire or campfire.**
6. **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.**
7. The following acts are prohibited from 1:00 p.m. to 1:00 a.m.:
 - g. Operating any internal combustion engine.
 - h. Welding, or operating acetylene or other torch with open flame.
 - i. Using an explosive.

A patrol is required for two hours following cessation of all work as described above.

8. **Operating motorized vehicles off designated roads and trails.**

Exemptions:

9. Persons with a written permit that specifically authorizes the otherwise prohibited act.
10. Persons using a device fueled solely by liquid petroleum or LPG fuels that can be turned on and off.
11. Operating motorized vehicles on designated roads and trails.
12. Emergency repair of public utilities and railroads as per attached conditions.
13. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
14. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
15. All land within a city boundary is exempted.

16. Other exemptions unique to each agency/tribe.

An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

APPENDIX 6

CLOSURE GUIDELINES

The Geographic Agency Administrators within the Northern Rockies Geographic Area should review these evaluation guidelines and determine threshold levels that substantiate the need for closures.

Examples include:

- Potential loss of life due to explosive fire conditions.
- Potential for extreme or blowup fire behavior.
- Stage II restrictions are not effective in reducing the number of human-caused fires.
- **Resources across the geographic area are at a critical shortage level.**

The following standard exemptions will be allowed during closure and will be noted on all closure documents.

Exemptions:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.
2. Emergency repair of public utilities and railroads as per attached conditions.
9. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.
10. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
11. All land within a city boundary is exempted.
12. Other exemptions unique to each agency/tribe.

APPENDIX 7

DEFINITIONS

The following definitions should be used as part of, or referenced to, in the restrictions/closure documents that initiate and authorize a Stage I or Stage II Restriction:

Area Agency Administrator/Tribal Chairperson: Field unit agency officials who have jurisdictional responsibilities for Agency lands. Agency officials within a designated restrictions and closure area such as, but not limited to: Montana Department of Natural Resources and Conservation, Area Manager; Bureau of Land Management, Field Manager; USDA Forest Service, Forest Supervisor; National Park Service, Park Superintendent; US Fish and Wildlife Service, Refuge Manager.

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.

Closure: The closing of an area to entry or use.

Designated Roads and Trails: Those roads and trails that are identified to the public by land management agencies.

Developed Recreation Site: An area that has been improved or developed for recreation. A developed recreation site is signed as a privately owned commercial campground, tribal or agency-owned campground or picnic area.

Exemption: Authorization allowing an otherwise prohibited act or omission.

Emergency Repair: Those actions taken outside the routine to prevent the start of a fire or restore critical resources.

Explosive: Any substance or article, including a device, which is designed to function by explosion (i.e., an extremely rapid release of gas and heat) or which, by chemical reaction within itself, is able to function in a similar manner even if not designed to function by explosion. For the purposes of these restrictions, firearms are not considered an explosive.

Geographic Agency Administrator/Tribal Chairperson: Agency officials at the statewide or regional level who have jurisdictional responsibilities for agency lands, such as: Montana Department of Natural Resources and Conservation, State Forester; Bureau of Land Management, State Director; USDA Forest Service, Regional Forester; Bureau of Indian Affairs, Regional Director; National Park Service, Regional Director; US Fish & Wildlife Service, Regional Director.

Internal Combustion Engine: An engine in which combustion of the fuel takes place in a confined space, producing expanding gases that are used directly to provide mechanical power.

Improved Site: An area that has been cleared and has an established fire barrier that restricts fire spread. These areas also include improvements such as picnic tables and/or toilets.

Patrol: One or more people who will travel through a work site checking for and reporting fires discovered adjacent to and within the work site.

Permit: A written document issued by an authorized agency representative to specifically authorize an otherwise prohibited act.

Public Utilities: A government-regulated company that provides an essential public service such as water, gas, electricity, or telecommunications.

Restriction: A limitation on an activity or use.

APPENDIX 8

STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION PUBLIC UTILITIES *FOR EMERGENCY WORK ONLY*

Development and Objective

The Stage II Fire Restriction Authorized Exemption was developed two-fold (1) based on the 2003 permit that was developed by the USFS, BLM and the MT-DNRC in consultation with NorthWestern Energy, and (2) the lessons learned in 2000 with an industrial specialist working one on one with public utility companies. The *objective* for allowing activities to occur from 1300 (1:00 p.m.) to 0100 (1:00 a.m.) is *emergency* in nature *only*. If mitigation of emergencies is not dealt with in a timely fashion, there is a good probability that the lack of mitigation could lead to a fire start or result in an immediate threat to life and property, or the disruption of a service.

Intent and Administration

The intent of the exemption is to identify emergency conditions and on-site measures required to mitigate those conditions that would otherwise be prohibited under Stage II restrictions. As written, the authorized exemption would allow emergency repairs and be noted on each agency's restrictions document. The exemption would remain in effect until the Stage II restriction was rescinded. The terms and conditions would become part of the agency restriction document and would not require the issuance of permits.

Process

The terms and conditions should not have to be modified. The intent is to ensure that there is consistency across the geographic area and that all operators are treated equally. The Area Restriction Coordinator will facilitate the distribution of the terms and conditions and work with the Area Lead Agency Administrator to ensure agencies throughout the restriction area are consistent in their implementation of the exemptions.

The highlighted areas in the document are those that will be specific to each agency. The information in blue italics is an example of the type of information that the agency would fill in. The agency issuing the restriction document will establish a protocol for communications and coordination. It is highly encouraged that agencies throughout the restriction area work towards establishing a centralized protocol to lessen the impact on the public utility companies.

The example for vehicles in this exemption was developed according to the forest fire rules and regulations for Montana. When used in other states you must utilize the proper requirements for that state and make sure you reference the proper state law or rule.

**STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION
PUBLIC UTILITIES
FOR EMERGENCY WORK ONLY**

TERMS AND CONDITIONS

Exercise of the privileges granted by this exemption constitutes agreement with and acceptance of all terms and conditions herein. This exemption does not absolve a company of any liability or responsibility for any fires ignited by the company's operations.

AREA COVERED BY EXEMPTION

This exemption only applies to [type of lands] *national forest system lands* on the [unit] *Kootenai National Forest*. This exemption is only valid under [agency document] *Kootenai Forest Order F14-067-S-03* signed on [date] *July 6, 2004* and will remain in effect until rescinded.

SCOPE OF EXEMPTED ACTIVITIES

For the purpose of this exemption, public utilities are defined as a government-regulated company that provides an essential public service such as water, gas, electricity, or telecommunications. This exemption covers emergency repairs between 1300 (1:00 p.m.) and before 0100 (1:00 a.m.). Emergency repairs are defined as an unplanned outage, an unplanned break in operations of a system, an uncontrolled release of natural gas, fire, explosion, or other situations that endangers life, property, or the integrity of the system and associated components.

With the exception of emergency situations, all construction, maintenance and repair of public utilities, including any associated welding/grinding, the use of power tools, the use of acetylene or open flame torches, or the removal of "burners" (tree or limbs in or near the power lines), will follow the timelines established in the Stage II restrictions as per [agency document] *Kootenai Forest Order F14-067-S-03*.

CONDITIONS AND MEASURES

Public utilities are hereby authorized the otherwise prohibited activities within their right-of-way per the following conditions and measures.

A. Emergency Conditions

An emergency is a condition that poses an immediate threat to life and property, or the disruption of a service. The following are typical emergencies associated with public utilities:

- Emergency removal of trees or limbs in or near electric power lines that create an immediate hazard to cause a direct impingement on the line or has the potential to start a fire.
- Emergency repair of electric transmission or distribution systems due to a power outage such as a broken wire, blown fuse, etcetera.
- Emergency repair of natural gas transmission or distribution system due to an outage on the system such as an uncontrolled release of natural gas, fire, explosion, etcetera.
- Emergency repair of an unplanned break in operations of a system.
- Emergency repair of telecommunications sites.
- Associated welding/grinding, use of power tools, use of acetylene or other torch with open flame required due to the emergency.

B. On-site Measures Required

- Any work requiring the emergency use of welding/grinding, acetylene or other torch with open flame, or power tools off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 40 psi at the first outlet, with at least a 200 gallon capacity tank, and with a minimum of 200 feet of hose. All reasonable care

should be taken to stay on designated roads. Pumper equipment must be within 100 feet of any operations using welding/grinding, acetylene or other torch with open flame, or power tools.

- The use of a spark shield to surround the entire area is required when welding or grinding.
- One person with communications will be dedicated as a “fire watch” during the above operations, and for two hours after all activity has ceased for the day.
- When power outages occur, the affected line segment will be inspected before being re-energized. Motorized travel off established roads and trails is allowed during the inspection (to detect potential problems that could lead to a fire) of an electric or natural gas segment.

C. Vehicle Requirements

In addition to the above, all vehicles will meet the [State and appropriate reference] *Montana Forest Fire Rules & Regulations, Rule IV and VIII* during the declared forest fire season. This includes [state requirements, below is MT's]:

- One 5-gallon backpack pump. (See note below)
- One serviceable fire fighting tool, #0 or equivalent shovel or a pulaski.
- One fire extinguisher with a minimum 2 ½ pounds capacity and 4 BC or higher rating.
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system.

Note: Two-2 gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one-10 gallon container with an electric pump and 100 feet of ½ inch hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5 gallon backpack pump.

In addition to the above requirement, each vehicle will:

- Have one firefighting tool per occupant with a least one tool a # 0 or equivalent shovel or a pulaski.
- Not be parked or driving over flammable vegetation.

NOTIFICATION AND COMMUNICATIONS

[Unit protocols for notification and communication when public utilities are conducting emergency work]

Contact Flathead Interagency Dispatch Center (FIDC) (406-758-5260) by 0900 (9:00 a.m.) to provide daily locations of all activities associated with repair of transmission or distribution system or any associated welding/grinding, or the elimination of “burners”. Notifications of emergency response activities will take place no later than the next normal business day.

ENTRY INTO A FIRE AREA

Entry into an active fire area will require the approval of the Incident Commander or the responsible agency administrator. Conditions imposed at that time will require a minimum clothing requirement consisting of 8-inch leather boots, gloves, hardhat, and approved fire retardant (i.e. Nomex) clothing, unless exempted by the Incident Commander.

[Agency Administrator Name and Title, If Signature Block is Needed]

Date

**STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION
RAILROAD COMPANIES
FOR EMERGENCY WORK ONLY**

Development and Objective

The Stage II Fire Restriction Authorized Exemption was developed two-fold (1) based on the 2003 permit that was developed by the USFS, BLM and the MT-DNRC in consultation with Montana Rail Link and Burlington Northern Santa Fe, and (2) the lessons learned in 2000 with an industrial specialist working one on one with the railroad companies. The *objective* for allowing activities to occur from 1300 (1:00 p.m.) to 0100 (1:00 a.m.) is *emergency* in nature *only*. If mitigation of emergencies is not dealt with in a timely fashion, there is a good probability that the lack of mitigation could lead to a fire start or result in an immediate threat to life and property, or the disruption of a service.

Intent and Administration

The intent of the exemption is to identify emergency conditions and on-site measures required to mitigate those conditions that would otherwise be prohibited under Stage II restrictions. As written, the authorized exemption would allow emergency repairs and be noted on each agency's restrictions document. The exemption would remain in effect until the Stage II restriction was rescinded. The terms and conditions would become part of the agency restriction document and would not require the issuance of permits.

Process

The terms and conditions should not have to be modified. The intent is to ensure that there is consistency across the geographic area and that all operators are treated equally. The Area Restriction Coordinator will facilitate the distribution of the terms and conditions and work with the Area Lead Agency Administrator to ensure agencies throughout the restriction area are consistent in their implementation of the exemptions.

The highlighted areas in the document are those that will be specific to each agency. The information in blue italics is an example of the type of information that the agency would fill in. The agency issuing the restriction document will establish a protocol for communications and coordination. It is highly encouraged that agencies throughout the restriction area work towards establishing a centralized protocol to lessen the impact on the railroad companies.

The example for vehicles in this exemption was developed according to the forest fire rules and regulations for Montana. When used in other states you must utilize the proper requirements for that state and make sure you reference the proper state law or rule.

**STAGE II FIRE RESTRICTION AUTHORIZED EXEMPTION
RAILROAD COMPANIES
FOR EMERGENCY WORK ONLY**
TERMS AND CONDITIONS

Exercise of the privileges granted by this exemption constitutes agreement with and acceptance of all terms and conditions herein. This exemption does not absolve a railroad company of any liability or responsibility for any fires ignited by the company's operations.

AREA COVERED BY EXEMPTION

This exemption only applies to [type of lands] *national forest system lands* on the [unit] *Kootenai National Forest*. This exemption is only valid under [agency document] *Kootenai Forest Order F14-067-S-03* signed on [date] *July 6, 2004* and will remain in effect until rescinded.

SCOPE OF EXEMPTED ACTIVITIES

This exemption covers emergency repairs between 1300 (1:00 p.m.) and before 0100 (1:00 a.m.). Emergency repairs may need to be conducted due to a derailment, damaged line, signal remediation, telecommunications problem, or other situations that endangers life, property, or the integrity of the system and associated components.

With the exception of emergency situations, all construction, maintenance, and repair of rail lines including any associated welding/grinding (including thermite), the use of power tools, the use of acetylene or open flame torches will follow the timelines established in the Stage II restrictions as per [agency document] *Kootenai Forest Order F14-067-S-03*.

CONDITIONS AND MEASURES

Railroad companies are hereby authorized the otherwise prohibited activities within their right-of-way per the following conditions and measures.

A. Emergency Conditions

An emergency is a condition that poses an immediate threat to life and property, or the disruption of a service. The following are typical emergencies associated with railroads:

- Emergency repair of a rail that has broken or been damaged.
- Emergency remediation of a track buckle caused by extreme heat.
- Emergency cleanup of a derailment.
- Emergency remediation of a railroad signal.
- Rail relay when larger sections of a rail becomes worn or needs to be replaced.
- Emergency repair of telecommunications sites.
- Associated welding/grinding, use of power tools, acetylene, or other torch with open flame due to the emergency situation.

B. On-site Measures Required

- Any work requiring the emergency use of welding/grinding, acetylene or other torch with open flame, or power tools off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 40 psi at the first outlet, with at least an 80-gallon capacity tank, and with a minimum of 200 feet of hose. All reasonable care should be taken to stay on designated roads. Pumper equipment must be within 100 feet of

any operations using welding/grinding, acetylene or other torch with open flame, or power tools.

- The use of a spark shield to surround the entire area is required when welding or grinding.
- Any work relating to rail relay activity off a designated road, would require a pumper capable of spraying water under pressure with a minimum of 50 psi at the first outlet, with at least a 600-gallon on site capacity, and with a minimum of 400 feet of hose on site.
- One person with communications will be dedicated as a “fire watch” during the above operations, and for two hours after all activity has ceased for the day.
- Motorized travel off established roads and trails is allowed during the inspection (to detect potential problems that could lead to a fire) of a rail line segment or repair of a telecommunications site.

C. Vehicle Requirements

In addition to the above, all vehicles will meet the **[State and appropriate reference]** *Montana Forest Fire Rules & Regulations, Rule IV and VIII* during the declared forest fire season. This includes **[state requirements, below is MT's]**:

- One 5-gallon backpack pump. (See note below)
- One serviceable fire fighting tool, #0 or equivalent shovel or a pulaski.
- One fire extinguisher with a minimum 2 ½ pounds capacity and 4 BC or higher rating.
- All internal combustion engines must be equipped with an approved spark arresting system and/or with an approved muffler and exhaust system.

Note: Two-2 gallon containers capable of being pressurized or with a hand pump capable of spraying water for a distance of 10 feet, or one-10 gallon container with an electric pump and 100 feet of ½ inch hose or enough hose to reach 50 feet beyond an activity may be substituted for the 5 gallon backpack pump.

In addition to the above requirement, each vehicle will:

- Have one firefighting tool per occupant with a least one tool a # 0 or equivalent shovel or a pulaski.
- Not be parked or driving over flammable vegetation.

NOTIFICATION AND COMMUNICATIONS

[Unit protocols for notification and communication when public utilities are conducting emergency work]

Contact Flathead Interagency Dispatch Center (FIDC) (406-758-5260) by 0900 (9:00 a.m.) to provide daily locations of all activities associated with emergency repair as a result of a derailment, damaged line, signal remediation or telecommunications problem. Notifications of emergency response activities will take place no later than the next normal business day.

ENTRY INTO A FIRE AREA

Entry into an active fire area will require the approval of the Incident Commander or the responsible agency administrator. Conditions imposed at that time will require a minimum clothing requirement consisting of 8-inch leather boots, gloves, hardhat, and approved fire retardant (i.e. Nomex) clothing, unless exempted by the Incident Commander.

[Agency Administrator Name and Title, If Signature Block is Needed]

Date

