



United States
Department of
Agriculture

Forest
Service

Southwestern
Region



Fire Restrictions and Closures Toolbox



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1. Purpose and Need

A brief description of the purpose and need and the audience for this Fire Restrictions and Closures Toolbox follows. This section will help users understand the importance of starting with this toolbox in order to promote efficiency and consistency when considering fire restrictions and/or closures. To legally develop and enforce forest fire restrictions and/or closures, this toolbox is provided to assist the line officers in developing and implementing the fire restrictions and/or closures in Region 3.

The purpose of this document is to:

- Develop guidance for the Southwestern Region to address fire restrictions and closures.
- Provide a framework that provides consistency for fire restrictions and closures.
- Define the degree of discretion that Forest Service line officers have to develop and implement fire restrictions and closures.
- Facilitate strong interagency and intra-regional coordination and communication.
- Assist with communication planning (Appendix D).
- Focus attention on enforcement of fire restrictions and closures.

The material in this toolbox will be reviewed and refined after each fire season.

“Consistency” will encourage public acceptance, understanding, and compliance with restrictions and closures. Communication with the public, forest users, partners, other agencies, and our own people will benefit from clear, consistent messages.

Audience

The principal audience for this toolbox is Forest Service line officers and their staffs so they can more efficiently develop orders, implement restrictions and closures, and help forest users understand the rationale and effects of fire restrictions and closures.

Interagency Coordination

Cooperating federal, state, and local agencies will also benefit from a common process for fire restrictions and closures, when their jurisdictional boundaries cover multiple Forests. The goal is to coordinate with cooperating agencies to develop common processes when possible. It is the responsibility of each Forest Supervisor to work with their key cooperators and partners.

2. Authority

Fire restriction and closure orders are authorized by the Code of Federal Regulations (CFR) (Appendix G) and the references listed below.

Restrictions

- 36 CFR 261, Subpart B

Closures

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

Restrictions and Closures

- 16 U.S.C. §551; 18 U.S.C. §3559; and 18 U.S.C. §3571—Violations and penalties
- 36 CFR 261.51—Posting requirements
- FSH 1909.15, 31.1b—Categorical exclusion for restriction and closure orders: Category 1, of categories established by the Chief, where no case file or decision memo is required
- FSH 2709.11, 31.23(1) – Special Uses – Temporary fee adjustments
- FSH 5109.18, 52—Fire restrictions and closures
- FSH 5309.11, 32—Issuing orders under Title 36, CFR, Part 261, Subpart B
- FSH 5309.11, 33—Termination of order



3. Roles and Responsibilities

Regional Forester

- Authorizes and rescinds restrictions and closures on multiple national forests and/or the entire region.
- Consider providing target relief related to extended closures.

Regional Restriction/Closure Coordinator

- Collects restriction/closure information for all forests
- Facilitates the restriction/closure implementation process on R3 forests and grasslands.
- Assesses regional impacts of restrictions.
- Assists in the coordination of closures across multiple forests, evaluates for consistency, and advises the Regional Forester of apparent inconsistencies.
- Monitors the rescission of orders.
- Reviews draft forest orders not utilizing pre-approved restriction/closure formats.

Law Enforcement

- Assists in development of restriction/closure orders, and reviews and concurs with forest orders before release or implementation.
- Maintains contact with the U.S. Attorney's Office, as appropriate.
- Enforces orders and regulations.
- Coordinates with local law enforcement.
- Consider offering Forest Protection Officer (FPO) training early in the year.
- Anticipate need and arrange for additional law enforcement officers (i.e. detailers under severity funding).



USDA Office of the General Counsel

- Provides legal advice.
- Reviews and comments on orders inconsistent with the pre-approved templates in Appendix A.

Forest Supervisor

- Issues Ranger District and Forest restrictions/closure orders.
- Ensures availability and reliability of data to make decisions regarding fire danger.
- Ensures orders receive review and concurrence by Forest law enforcement personnel.
- Develops an area restrictions and closure plan.
- Develops and implements a communication plan and coordinates with affected interests.
- Monitors the enacted restrictions and/or closures and provides timely feedback to the regional restriction/closure coordinator.
- Encourages training of additional FPO's.
- Ensures protocols are established for Forest Service field work.
- Considers designating Forest and/or District Restriction/Closure Coordinators.

District Ranger

- Authorizes and issues entry/activity permits with appropriate terms and conditions.
- Implements restrictions and closures.
- Establish protocols for Forest Service field work.
- Considers having an all employee meeting regarding restriction/closure implementation procedures.



4. “Thresholds” for Fire Restrictions, Closures and Rescinding Orders

This section includes five criteria that should be used when considering restrictions/closures. The first criterion is quantitative and based on weather and burning conditions: the remaining four are more subjective and allow for broad discretion by the line officer considering local conditions and issues. Refer to the Forest’s Fire Management Plan for additional guidance and information. Refer also to Appendix C for a list of questions to consider when contemplating fire restrictions/closures.

1. Energy Release Component and ten-day ERC forecast. Further guidance on these criteria is found in Appendix B.
2. Risk to fire fighters and public safety
3. Ongoing fire activity (number and size of fires) and suppression resource availability, including incident management teams
4. Social, political and economic impacts.
5. Increase/decrease in recreation use.

Rescinding Fire Restrictions and Closures

Line officers are responsible for rescinding or modifying their restriction/closure orders. (See Appendix E for Forest Service Handbook direction for terminating an order.) Decisions to remove, continue, or change restrictions/closures are long term in nature. It is important to avoid making changes when there is a likelihood that the restriction/closure will need to be re-imposed in the foreseeable future.

Enacting restrictions relies on a gradual drying and therefore the use of the ERC Table (Appendix B) facilitates consistency; however rescinding restrictions will usually occur rapidly based on the onset of the monsoons. Use of ERC’s may not prove to be as effective while considering rescinding restrictions. Higher moisture, use of the other four subjective criteria, and coordination with adjoining Predictive Service Areas (PSA) units (through the Regional Restriction/Closure Coordinator) during the onset of the monsoons will help facilitate the appropriate consistency.



5. Progression of Stages

The progression from “no restrictions” to “restrictions” to “partial closure” to “full closure” should be viewed as a continuum. As fire danger and/or fire preparedness level changes, the line officer evaluates risks and compares those risks to the potential costs and benefits of imposing varying degrees of restrictions and/or closures. See Appendix O for the correlation between stages, preparedness levels, Industrial Fire Precaution Levels, and ERC’s.

Each stage involves implementation of progressively more limiting restrictions. Restrictions are cumulative in nature—that is, Stage II continues to implement Stage I restrictions, while Stages III and IV closures continue to implement all Stage I and II restrictions, as appropriate. Within each progressive stage, the line officer has the option of adding controls to the restrictions and/or closures that are appropriate for the circumstances and that will best meet the fire restriction or closure objectives.

This ability to move between and within the stages implementing the appropriate restrictions and/or closures provides a continuum of choices.

Four Stages

The following general definitions will help line officers determine what “stage” of restriction/closure is appropriate. The four stages are:

Stage I (restriction) – The first stage occurs when there is an increasing fire danger and/or an increasing preparedness level, and the risks of keeping the forest open to all activities begins to be outweighed by the risks inherent in doing so. Stage I imposes restrictions aimed at preventing the start of wildfires based on human activities that are known to be high risk, specifically smoking, campfires, and fireworks.

Definition: No smoking outside of vehicles, or buildings. No open campfires outside of developed sites. No fireworks.

Stage II (restriction) – As the risks increase, the line officer may choose to move to Stage II. This stage intensifies the restrictions from Stage I by focusing on activities that, although normally managed under permit or contract, have a relatively high risk of causing a fire start.

Restrictions under Stage II will affect forest users and will have additional economic impacts to contractors, permittees, and others. Therefore, the decision to move to Stage II will involve a risk benefit assessment as well as consideration of economic and social impacts.

Definition: In addition to Stage 1 restrictions, Stage II adds prohibitions for explosives, chainsaw or other internal combustion engines (possibly during certain hours), welding, and using a motor vehicle off forest development roads. Also requires approved spark arresters.



Stage III (closure) – Stage III is the closure of specific areas of the Forest. This stage is selected when the ability to mitigate risks using Stage I or II restrictions is no longer viable. The social, economic, and political impacts of implementing a partial closure at this point are outweighed by the benefits associated with virtually eliminating the potential for human-caused fire starts.

Definition: Partial Forest closure, with very few exceptions (as detailed in the closure order).

Stage IV (closure) – Stage IV is full closure. This stage is selected when the ability to manage risks using Stage III closures is no longer viable. The social, economic, and political impacts of implementing a full closure at this point are outweighed by the benefits associated with virtually eliminating the potential for human-caused fire starts.

Definition: Full forest closures, with very few exceptions (as detailed in the closure order).

Exemptions

Exemptions should be managed and mitigated according to risks and benefits. The restrictions/orders need to progressively focus on those members of the public and activities over which there is the least amount of active control. This will frequently mean that activities of the public should be restricted long before activities occurring under contract or permit are restricted or reach the same level of restriction.

The rationale used by authorized officers for granting or denying exemptions should be documented in writing. Exemptions will be authorized through an entry/activity permit.



6. Developing an Order

This section contains information needed to develop an enforceable restriction or closure order. This includes the development steps to follow, and communication planning and coordination with others.

Because of the emergency nature of fire restrictions or closures, some steps in the process may be shortened or delayed. For example, the case file or administrative record may be completed after the order has been issued as long as all the factors needed for the record are considered and can be documented. Pre-approved order templates are contained in Appendix A of this document. Within each restriction and/or closure order, exemptions are limited to only those listed in 36 CFR 261.50(e), (see Appendix G). No other exemptions may be authorized. See Appendix J for suggestions on time, size and scope.

The Office of the General Counsel (OGC) has rendered the opinion that an “Acting Forest Supervisor” may sign a Forest Order, as long as this authority has not been eliminated in the letter of delegation. Also, anyone authorized by the District Ranger may sign an entry/activity permit.

Development Steps

The following steps outline the sequence of actions to follow when developing an order and planning for fire restrictions and/or closures.

When using the pre-approved forest order template (see Appendix A):

1. The unit establishes an “assessment of needs” to form the administrative record, which includes all factors considered, in the decision to impose an order. The factors considered in a decision to rescind restrictions/closures should also be documented in the Administrative Record.
2. The unit selects the pre-approved template and prepares a high-quality map(s).
3. Prior to implementation, the unit calls the regional restriction/closure coordinator to inform her of the impending order and associated communication planning.

If not using the pre-approved order, you must also do the following:

4. The unit submits the draft order to the regional restriction/closure coordinator.



5. The regional restriction/closure coordinator facilitates the review of the draft order and sends copies to:
 - a. Office of General Counsel
 - b. Regional office law enforcement
 - c. Regional staffs, as appropriate.
6. The regional restriction/closure coordinator and the unit discuss regional office review comments to clarify and resolve any differences.

The unit will have the appropriate line officer sign, post and distribute the order (36 CFR 261.51).

Communication Planning

Communication planning involves making decisions about program goals and objectives, identifying key audiences, and determining strategies to achieve overall program objectives. Although each situation calls for specifically tailored elements, the overall approach is similar. Common steps include:

- Defining program goals and objectives.
- Determining where to invest time, energy, and talent.
- Preparing action plans to achieve specific objectives.
- Determining the communication necessary to achieve understanding and commitment.
- Securing agreement among all key people on who and what needs to be committed to the effort.

Internal and external communication should be addressed in the plan.

See the sample Forest communication plan in Appendix D for assistance with the development of a forest communication plan.

Coordination with Others

Coordination is fundamental to compliance and support of fire restrictions and/or closures. Before implementing fire restrictions and/or closures, forest personnel need to develop a list of people to consult with, or be notified of, the impending restrictions or closures. The scope and extent of the restriction or closure will indicate how much coordination is necessary. A checklist of agencies and interests to consider contacting is found in Appendix K.

Permittees should be contacted to inform them of mitigation measures they may use to obtain an exemption from the restrictions/closures.



7. Implementation

This section contains information concerning logistical considerations, entry/activity permits, recreation use, agreements, contracts, grazing permits, mining operations, special use permits, and timber contracts. In dealing with our permittees, contractors, lessees, etc., inform them early-on of those mitigation measures that could be required during a fire restriction and/or closure. This could be accomplished through the operating plan, Plan of Operations, the Memorandum of Understanding (MOU), the Annual Operating Instructions (AOI) or any other opportunity the line officer has when meeting with these permittees.

Logistical Considerations

The following list includes logistical considerations to incorporate for restrictions and/or closures:

- Continuation and enhancement of the fire-prevention program and its integration into ongoing restrictions/closures.
- Identify roles for key people responsible for the implementation.
- Timing of implementation
- Enforcement.
 - Road blocks or traffic stops.
 - Methods and locations.
 - Coordination and strategy with state and local road authorities.
 - Additional personnel needs, including law enforcement and FPO's.
 - Patrol scheduling.
 - Clear signage, i.e., site open or closed.
- Front-liner considerations: backup support, training, and adequate information.
- Plan for soliciting and mobilizing external resources, such as volunteer groups and special interest groups.

Entry/Activity Permits

An entry/activity permit is required for any person(s) allowed an exemption to the restrictions and/or closures enacted by the specific Forest Order, including access for landowners, allowing for continued operations by permit holders, contractors, etc. A hard copy permit will be issued to



all people/businesses allowed an exemption, as well as a vehicle sticker for those needing repeated access. A suggested process for issuing entry/activity permits is available in Appendix E, and a consistent regional entry/activity permit format is also available in Appendix E.

Most entry/activity permits will be issued to landowners needing access to their property. An example would be repair to a domestic water line that requires welding in an area that is under a Stage II restriction. Although the permittee holds a special-use permit that allows the continued occupancy of National Forest System lands, welding is prohibited under the Stage II restriction. The special-use permittee would, at the discretion of the authorized officer, need to obtain an entry/activity permit that gives specific authorization to weld, with any necessary additional mitigation.

Proactive notification to holders and/or contractors should specify what restrictions or closures are in place, the appropriate Forest Service contact, and the process for issuance of an entry/activity permit.

An entry/activity permit needs to be tailored to the particular use and/or need. The permit needs to be as specific as is possible and reasonable. The entry/activity permit must:

- Define who is authorized to use the permit;
- Outline the times that the permitted activity may take place;
- Identify the roads or areas they are allowed to travel on;
- Identify what activity is allowed; and
- Identify where the activity may take place.

Requests for entry into a closed area need to be carefully considered, not only for the holder's safety, but for firefighter safety should an evacuation situation arise. The non-emergency nature and value of the work needs to be weighed.

It is imperative that all entry/activity permits and activities be coordinated with law enforcement, permit administrators, other affected land management agencies, and landowners, as needed.

Dealing with General Recreation Use

Guidelines for all stages of fire restrictions and/or closures are described below:

- Fire restriction or closure notices need to be posted and maintained along entry points to the unit, each trailhead, each developed recreation site, and in each concentrated use area. (See Appendix N for consistent signing examples)
- All local visitor contact points need to be notified, including local convenience stores, local sporting goods stores, visitor centers, chamber of commerce offices, and other local sites where visitors stop for supplies or information. Copies of fire restrictions or closures need to be available.



- The National Recreation Reservation Service needs to be contacted to have notices of the fire restrictions posted for those campgrounds/cabins/areas listed on the reservation system. This is the responsibility of each permit administrator. (See Appendix P)
- Increased patrols should be considered.

Dealing with Agreements, Contracts, Leases and Permits

There should be no distinction between the various types of permits (i.e. outfitter/guiding, communications sites, grazing, resorts, ski areas). A permit is simply an authorization in writing by the Authorized Officer that allows for an activity or use. Any restrictions and/or closures should relate directly to actions or decisions taken in reference to the authorized permit in the form of various mitigation measures decided upon and required by the Authorizing Officer. Sample letters may be found in Appendix I.

The following Stage I and Stage II restriction guidelines apply to all categories. (Note: see additional specific direction for “minerals” and “timber”.)

Stage I Restrictions

Notify as appropriate. No entry/activity permit is required, if operating under the terms and conditions of the authorization, operating plan, and the Stage I restrictions.

Stage II Restrictions

If the restrictions specifically affect cooperator’s operations, notify them of the restrictions, and the possibility of future closure. If there is an opportunity to mitigate some or all of the restriction, this is the appropriate time to notify them of those requirements. Mitigation can be incorporated into annual operating plans, and would then be authorized through an entry/activity permit

With a Stage II restriction, no entry/activity permit is required, if operating under the terms and conditions of the authorization, annual operating plan, and the Stage II restrictions.

Agreements

Stage III and IV Closures:

- For all Stage III and IV closures under special orders that close an area to entry, and include closure to entry by cooperators, the Forest Supervisor shall ensure that cooperators are notified that a fire closure has been put into effect and that they are provided with a copy of the order.
- Enclosed in Appendix I is a sample memo for agreements specialists to prepare to be sent to cooperators (and a copy filed in the official agreements folder) when a closure is put into effect that may restricts their otherwise authorized activities.



- Verbal notification by the Principal Contact listed in the Agreement may precede the written notification, and will be followed up in writing as soon as practicable.

Contracting and Acquisition Management

Stage III and IV Closures:

- Notification of affected contractors is mandatory. Notification should be through normal contract administration channels by the contracting officer's representative (COR) or the contracting officer (CO). A copy of the order will be provided to each COR and/or CO so they can provide a copy to each contractor.
- Contractors may submit claims if a restriction or closure affects contract performance. Consultation with the COR and CO is needed for advice on individual contracts.
- If a contractor has a need to do emergency work prohibited by the order, an entry/activity permit needs to be issued.

Permitted Livestock Grazing

Stage III and IV Closures:

During the AOI discussions, the District Ranger should inform the permittee of any mitigation measures that could be required during a fire restriction and/or closure.

- The permit holder should be contacted in writing. A personal contact prior to sending the letter is recommended.
- With a Stage III or IV closure, an entry/activity permit will be required for the permittee or his/her employees to enter the allotment.

Oil, Gas, and Minerals

1. Requirements—Locatable Minerals

All Stages: Laws and regulations governing administration of minerals operations require that activities necessary for continuance of ongoing production be allowed to continue. Some requirements may be imposed to mitigate activities that present specific risks.

Stage III and IV Closures:



- Under forest orders that close an area to entry, including entry by operators with approved plans of operations, the authorized officer should notify the operators that a closure has been put into effect and their operations may be restricted.
- If a holder of an approved Plan of Operation needs to continue operations, and has adequate fire prevention and control measures incorporated within the approved plan, they need to obtain an entry and activity permit. The entry and activity permit can include necessary mitigation measures.

2. Requirements—Leasable Minerals

All Stages: Laws and regulations governing administration of oil and gas operations require that activities necessary for continuance of ongoing production be allowed to continue. Some requirements may be imposed to mitigate activities that present specific risks. (See Appendix I)

Stage III and IV Closures: Operators conducting activities under a lease or application for permit to drill (APD) need to obtain an entry and activity permit to continue operations. Some new activities not associated with ongoing production may be prohibited for up to 60 days, consistent with 43 CFR 3101.1-2 (Surface rights).

3. Requirements—Saleable Minerals

Stage III and IV Closures: Work may continue if authorized by the line officer, and mitigation measures approved. An entry and activity permit would be required.

Recreation and Heritage Special Uses

Stage III and IV Closures:

Proactive notification to authorized users when a closure is pending is advisable. Providing Forest Service contact names and numbers to permittees is essential.

The District Ranger/Forest Supervisor should notify special-use authorization holders, as appropriate, that an area/forest closure has been put into effect.

An entry/activity permit would be required for the permittee or his/her employees to operate. The entry/activity permit may be granted, with mitigation measures approved by the authorized officer. Customers of the permit holder must also abide by the mitigation measures. Prior to approval of the entry/activity permit, the terms and conditions of the permit will be carefully reviewed and explained to the permittee.

Any upcoming recreation events should be reviewed to determine the Forest's ability to accommodate them based on varied circumstances.



Lands Special Uses

Stage III or IV Closures:

- Proactive notification to authorized users when a closure is pending is advisable. Providing Forest Service contact names and numbers to permittees is essential.
- The District Ranger/Forest Supervisor should notify special-use authorization holders, as appropriate, that a closure has been put into effect.
- When there is a need for emergency access and/or repairs under a Stage III or IV closure, the holder will need to obtain an entry/activity permit. The permit allows for emergency work, and can contain extensive fire protection measures for the proposed action.

Timber

There are two avenues for interrupting or delaying purchaser's operations in response to increased fire danger:

1. The purchaser agrees to interrupt or delay operations upon the written request of the contracting officer based upon the Emergency Fire Precautions found in C(T)(P)7.22# of the 2400-6(T) and 2400-3(T)(P) provisions of the contract. Sole remedy to the contractor is addressed in the FS-2400-6(T) and 2400-3(T)(P) contracts in B(T)(P)8.21 - Contract Term Adjustment.
2. The Forest Supervisor or Regional Forester issues an order under 36 CFR 261.50, limiting or prohibiting specified activities. The direct link to the FS-2400-6(T) and 2400-3(T)(P) contracts of such an order is Provision B(T)(P)6.01 - Statutory Compliance.

The CO(s) must be notified when an order is being prepared and must be provided with a copy of the signed order as soon as it is available. The CO(s) or their designates will call purchasers with active sales to notify them of the order and when it will take effect. The CO(s) will follow up with a letter from the appropriate line officer, including a copy of the order. The same process will be followed when an order is either rescinded or replaced by a new order.

Timber sale contracts have developed over the years to be specific as to activities allowed, or not, during the height of fire season—there are some good tables and indices in the contracts C(T)7.22# that specifically that give the CO's the backing they need to interrupt or delay operations.



Appendix A—Pre-approved Order Templates

Order Number: _____

ORDER
STAGE I FIRE RESTRICTIONS
_____ **NATIONAL FOREST**

Pursuant to 36 CFR § 261.50(a), the following acts are **prohibited** on all National Forest System lands within the _____ National Forest, in the State of _____ (“the restricted area”). The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

1. Building, maintaining, attending or using a fire, campfire or stove fire, except within a developed recreation site. 36 CFR § 261.52(a)
2. Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material. 35 CFR §261.52(d).
3. Possessing, discharging or using any kind of firework or other pyrotechnic device. 36 CFR §261.52(f).

Pursuant to 36 CFR § 261.50(e), the following persons [**choose appropriate “persons” below**] are exempt from this order:

1. Persons with a permit that authorizes actions specifically prohibited by this closure order.
2. Any Federal, State or Local Officer or member of an organized rescue or firefighting force in the performance of an official duty.
3. Lessees or permittees within the restricted area are exempt from prohibition 1 above, provided such fires are within their residence.

These restrictions are being implemented for public safety and because of extreme fire hazard conditions on federal lands.

This order becomes effective at (time, date, year), and will remain in force until rescinded or until _____, 2003, which ever occurs first.

Done at [city], [state], this ____ day of _____(month), _____(year).

[FOREST SUPERVISOR’S NAME]
Forest Supervisor
_____ National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.



Order Number: _____

ORDER
STAGE II FIRE RESTRICTIONS
_____ **NATIONAL FOREST**

Pursuant to 36 CFR § 261.50(a), the following acts are **prohibited** on all National Forest System lands within the _____ National Forest, in the State of _____ (“the restricted area”). The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

1. Building maintaining, attending, or using a fire, campfire or stove fire. 36 CFR 261.52(a).
2. Smoking, except within an enclosed vehicle or building. 36 CFR 261.52(c).
3. Possessing, discharging or using any kind of firework or other pyrotechnic device. 36 CFR 261.52(f).
4. Using an explosive. 36 CFR 261.52(b).
5. Operating a chainsaw or other equipment powered by an internal combustion engine is prohibited from 1:00 p.m. to 1:00 a.m. 36 CFR 261.52(h).
6. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 - Department of Agriculture, Forest Service Standard 5100-1a; or
 - Appropriate Society of Automotive Engineers (SAE recommended practice J335(b) and J350(a). 36 CFR § 261.52(j)
7. Welding, or operating an acetylene or other torch with open flame. 36 CFR 261.52(i).
8. Possess or use a motor vehicle off National Forest System Roads. 36 CFR 261.56 Except when parking in an area devoid of vegetation within 10 feet of the roadway; and except for parking overnight in developed campgrounds and at trailheads.
9. Violating any state law concerning burning, fires, or which is for the purpose of preventing or restricting the spread of fire. 36 CFR § 261.52(k).

(Reference specific state statute)

Pursuant to 36 CFR § 261.50(e), the following persons [**choose appropriate “persons”**] are exempt from this order:

1. Persons with a permit that authorizes actions specifically prohibited by this closure order.
2. Persons in a developed recreation site using a fire fueled solely by liquid petroleum or LPG fuels.
3. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
4. Lessees or permittees within the restricted area are exempt from prohibition 1 above, provided such fires are within their residence.



This order becomes effective at (time), (date), (year), and will remain in force until rescinded or until (time), (date), (year), which ever occurs first.

Done at [city], [state], this ____ day of _____(month), _____(year).

[FOREST SUPERVISOR'S NAME]
Forest Supervisor
_____ National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.



ORDER
EMERGENCY AREA FIRE CLOSURE (STAGE III)
_____ **NATIONAL FOREST**

Pursuant to 36 CFR § 261.50(a), and 36 CFR § 261.50(b), the following acts are **prohibited** within the specific area boundary within the _____ National Forest, in the State of _____ (“the restricted area”). The specific restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

1. Going into or being upon the restricted area. 36 CFR § 261.52(e)

Pursuant to 36 CFR § 261.50(e), the following persons [**choose appropriate “persons” below**] are exempt from this closure order:

1. Persons with a permit that authorizes actions specifically prohibited by this closure order.
2. Any Federal, State or Local Officer or member of an organized rescue or firefighting force in the performance of an official duty.

[Short and succinct reason for closure.]

This order becomes effective at (time), (date), (year), and will remain in force until rescinded or until (time), (date), (year), which ever occurs first.

Done at [city], [state], this _____ day of _____ (month), _____ (year).

[FOREST SUPERVISOR’S NAME]
Forest Supervisor
_____ National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.



Order Number: _____

ORDER
EMERGENCY FIRE CLOSURE (STAGE IV)
_____ NATIONAL FOREST

Pursuant to 36 CFR § 261.50(a), and 36 CFR § 261.50(b), the following acts are **prohibited** on all National Forest System lands within the _____ National Forest, in the State of _____ (“the restricted area”). The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

1. Going into or being upon the restricted area. 36 CFR § 261.52(e)

Pursuant to 36 CFR § 261.50(e), the following persons [**choose appropriate “persons” below**] are exempt from this closure order:

1. Persons with a permit that authorizes actions specifically prohibited by this closure order.
2. Any Federal, State or Local Officer or member of an organized rescue or firefighting force in the performance of an official duty.

[Short and succinct reason for closure.]

This order becomes effective at (time, date, year), and will remain in force until rescinded or until _____, 2003, which ever occurs first.

Done at [city], [state], this ____ day of _____ (month), _____ (year).

[FOREST SUPERVISOR’S NAME]
Forest Supervisor
_____ National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.



Appendix B – Energy Release Component Threshold Level Recommendations

The Southwest Area Predictive Services Group located in the Southwest Interagency Coordination Center developed the sample Energy Release Component (ERC) threshold recommendations (for fuel model G only) which are displayed in the following ERC Table. The ERC is generated using Fire Family Plus and the National Fire Danger Rating System. It is based on the estimated potential available energy released per unit area in the flaming front of a fire and is especially useful for correlating existing conditions against long-term records.

The Predictive Services Group also delineated fourteen “Predictive Services Areas” (PSA’s) as shown on the following maps. The PSA’s were defined primarily by topography and diurnal weather patterns. Fire weather data and fire history from each PSA was used to develop the values in the ERC table and included all days from April 1 to July 31, from 1975 to 2002. Only fires 100 acres or larger were used for the analysis during this time frame.

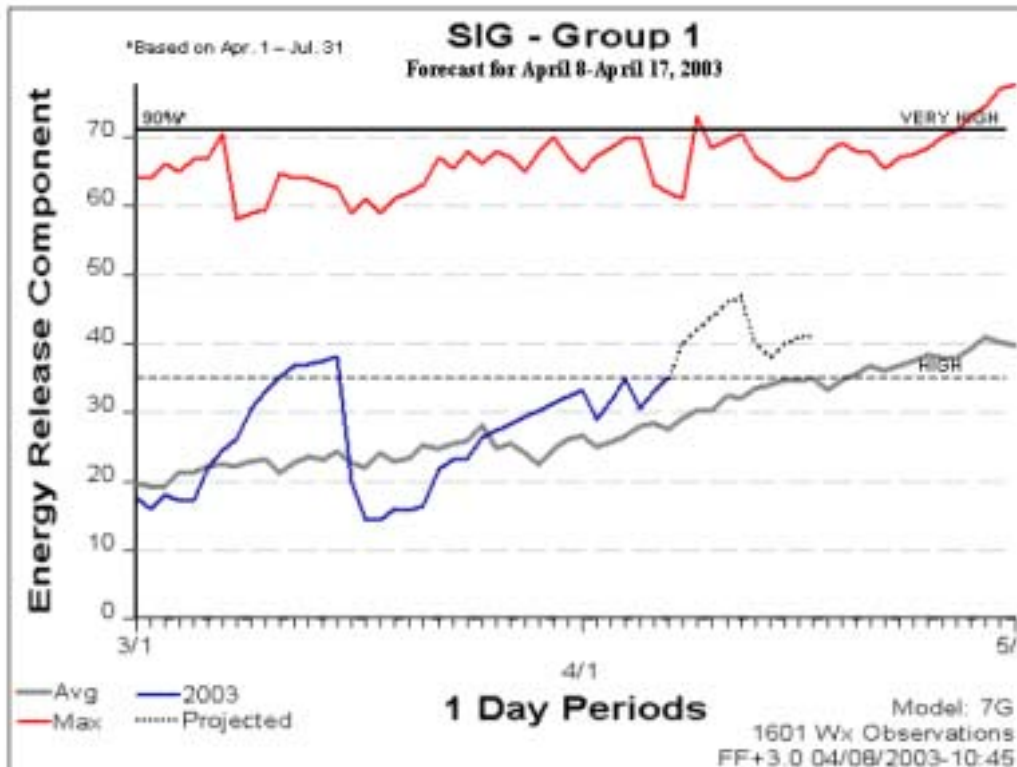
Use of the following ERC Table is recommended across the region even though units may (appropriately) use other fuel models for other purposes (Pocket Cards, adjective ratings, etc.). Use of the G model best predicts long-term fire potential and is less subject to daily changes in weather; this will provide more consistency across the region for restrictions/closures purposes.

The Predictive Services Group posts the ERC charts (beginning in April) Tuesdays and Fridays by 1600 until the ERC’s in all PSA’s fall below the 90th percentile and the monsoons are established per their criteria. They can be accessed on the Internet at <http://www.fs.fed.us/r3/fire/>. Once there, navigate to:

- 1) Predictive Services; 2) Outlooks; 3) Weekly; then click on the PSA of choice.

These charts display the historical and current ERC’s for the PSA as well as the ten-day ERC forecast. An example chart follows:





Forests are encouraged to work in partnership with the Predictive Services Group and their neighboring wildland agency partners to determine the effectiveness of these values for restriction/closure consistency.

Remote Automated Weather Stations (RAWS) are used to collect the weather data in each of the PSA's. The precise location of the weather station is very important in order to collect data that accurately represents the general area (PSA). Each Forest, in collaboration with the Predictive Services Group, should evaluate their weather station locations within their PSA, consider the benefit of weighting station outputs, and consider purchasing additional weather stations.

Annual weather station maintenance is critical. Each unit should assure they have a RAWS maintenance plan and that responsible personnel are adequately trained. Monitoring data on a regular basis will help to identify when a problem in the data collection may exist. Accurate RAWS data and daily NFDRS inputs are essential for ERC calculations and resultant decisions on restrictions and/or closures.



ERC Table:

Energy Release Component Value (G-Model)

Percentile Value		1/2 90th %		90th %	97th %
Southwest area Preparedness Level	Level 1&2	Level 3-	Level 3+	Level 4	Level 5
Fire Restriction - Closure Level	none	Stage 1	Stage 2	Stage 3	Stage 4
*Predictive Service Area					
1	18	36	53	71	82
2	24	48	71	95	102
3	24	49	73	97	101
4	19	38	56	75	85
5	19	39	58	77	87
6	23	45	68	90	98
7	19	38	57	76	87
8	20	39	59	78	91
9	24	48	72	96	103
10	18	35	53	70	83
11	20	39	59	78	87
12	18	36	53	71	79
13	16	32	47	63	73
14	20	40	60	80	89

The ERC levels above, when combined with the predicted ten-day ERC forecast are recommended threshold levels to consider various stages of fire restrictions and/or closures for fuel model G. An example follows.

ERC Calculation Example:

Assumptions: PSA #1, and the other four thresholds warrant a decision to enact the restriction.

	Example 1	Example 2	Example 3
ERC	68	74	74
10-day ERC Forecast	Up	Constant	Down

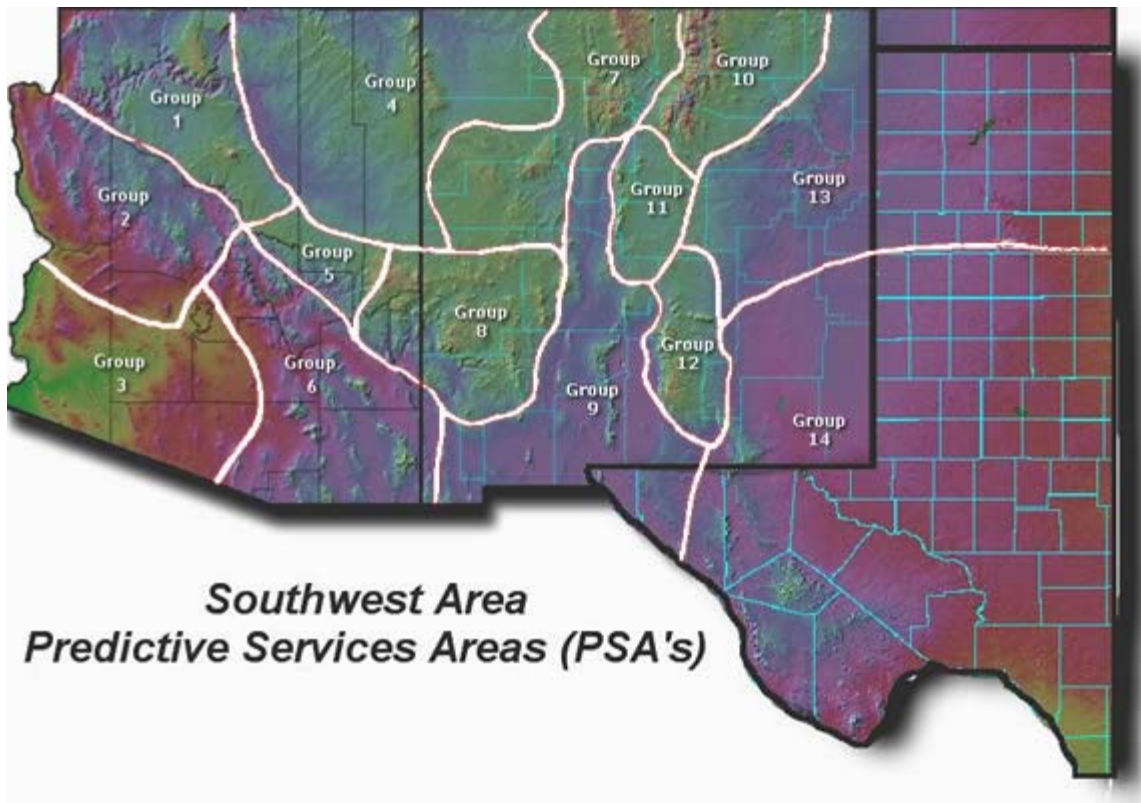
The previous ERC table displays that an ERC of 71 is the threshold to move from a Stage 2 to a Stage 3 restriction. In this example:

Example 1 – Stay in Stage 2 restriction (ERC is below 71).

Example 2 – Move to Stage 3 closure (ERC is above 71) (ten-day ERC forecast is not down).

Example 3 – Stay in Stage 3 closure (ERC forecast is down); wait.

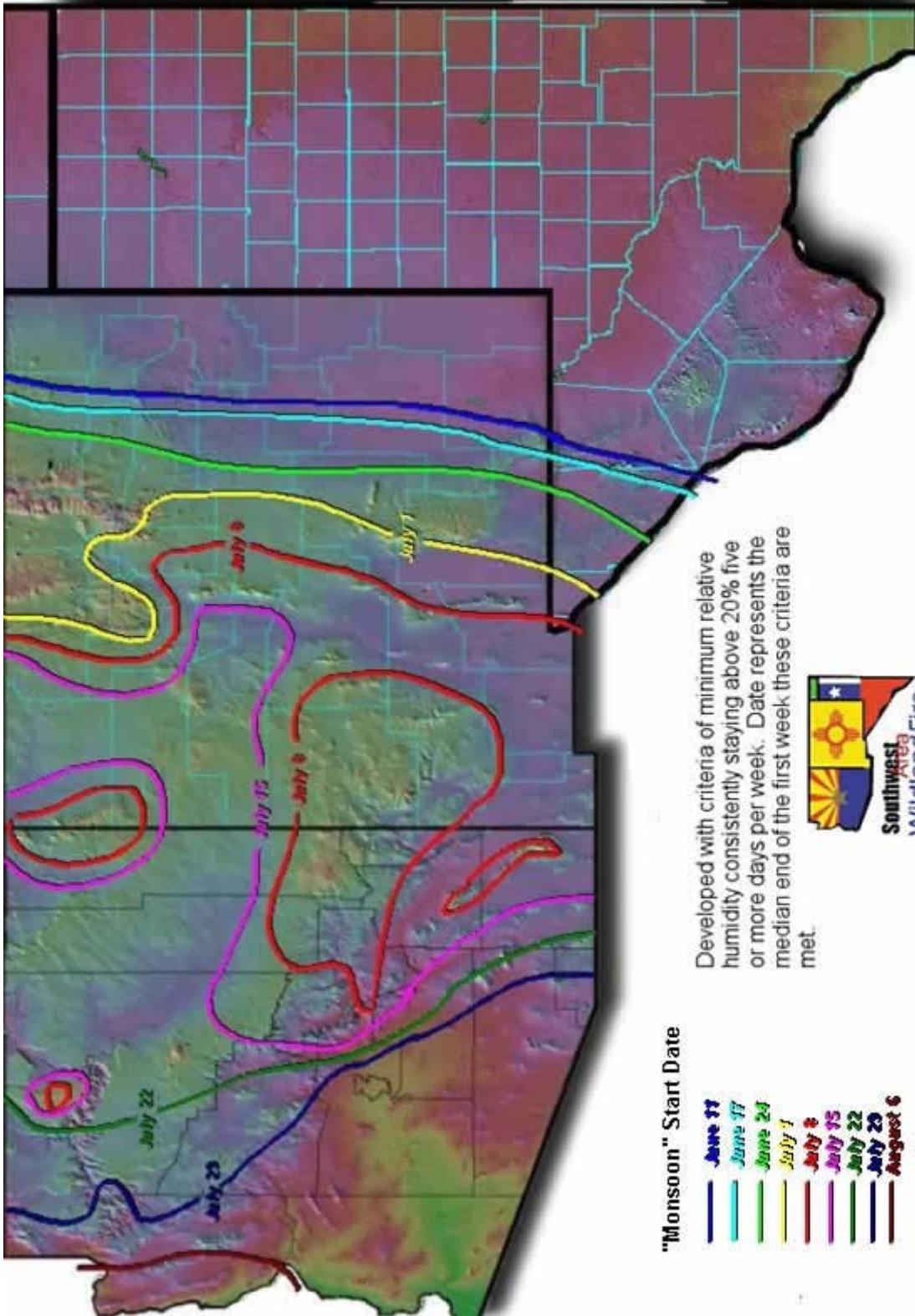




*Breakdown of Forests by Predictive Service Area (PSA)

- 1 = Kaibab NF and most of Coconino NF
- 2 = Prescott NF
- 5 = Junction of Coconino NF, Tonto NF and A-S NF (i.e. Rodeo-Chediski vicinity)
- 6 = Southern 1/2 Tonto NF and all of Coronado NF
- 7 = Western portions of Carson NF, Santa Fe NF and Cibola NF
- 8 = Gila NF, eastern 1/2 A-S NF and Magdalena RD on Cibola NF)
- 10 = Eastern portions Carson NF and Santa Fe NF
- 11 = Eastern portion Cibola NF
- 12 = Lincoln NF
- 13 = Black Kettle, Kiowa and Rita Blanca National Grasslands (Cibola NF)





Appendix C - Restriction and Closure Decision Checklist

Following are some of the questions to be considered when contemplating a fire restriction and/or closure. The factors that form the basis for the decision should be documented in the “assessment of needs” (Administrative Record), which should be maintained at the forest level.

What is at risk?

- Public safety
- Public and private property
- Natural resources

What are you trying to achieve?

- Reduced human-caused starts
- Public and firefighter safety
- Are there other ways of achieving your objectives?

Are adequate fire resources available?

- Is there the ability to effectively handle initial attack?
- Are there enough engines, air tankers, helicopters, crews, etc., available?
- Are there enough Type I and II teams available?

What is the predicted weather for the next several weeks?

- Will there be high winds of long-term duration?
- Will there be low relative humidity during day, and poor nighttime recovery?
- What are the expected temperatures (maximum/minimum); will there be minimum nighttime temperatures higher than 50° F?
- What are the lightning predictions?

What is the daily fire occurrence situation?

- Are there multiple starts?
- Are fire occurrences and associated control problems increasing or decreasing?
- Are the daily fire starts more attributable to human cause or lightning/natural causes?

Is an increase/decrease in recreational visitor days, i.e., holidays and special events, expected?



What are the socio-economic considerations?

- Will there be direct and cumulative impacts on rural economies, tourism and authorized permittees?
- Has the right message been given to the public and other stakeholders to establish groundwork for restrictions/closure?
- Is it possible to minimize effects on the local community and users, while achieving desired objectives?
- What is the urban/wildland-interface complexity?
- What is the public desire for recreation opportunities and events?

What actions are being taken by surrounding land managers, and local or state authorities?

What are the standards and guidelines contained in the forest plan for the affected area?

- Are there research natural areas or other special interest areas that may be affected?
- Are there wilderness or wild and scenic rivers that may be affected?

What is the workload associated with restrictions and closures?

- Will the workload associated with fire closures compete with fire management?
- Are personnel available to send notification letters to and do follow up actions with permittees, private landowners, contractors, etc., particularly as restriction levels increase?
- Are personnel available to assist some users, such as outfitter/guides, who may ask for assistance in moving their operations to areas of lower or no restrictions?
- Will refunds or fee reductions be appropriate for reservations, and certain uses and contracts?
- Are personnel available to provide public information and post the order on the ground and on the web?
- Is there adequate personnel for patrol and enforcement?

Will the restriction/closure be enforceable?

- Is law enforcement involved early in the consideration of a restriction or closure?
- Will entry/activity permits be issued, and, if so, in what situations and under what conditions?
- Is consistent and highly visible signage available?
- Is there a common goal with state, local and adjacent national forest units?

Are there preparations for the next stage, whether that would be a higher stage restriction/closure or rescission of an order?



Appendix D – Sample Communication Product

COMMUNICATION STRATEGY

COCONINO AREA CLOSURES 2002

Communication Objectives

A – Inform the public (external and internal) and partners that a large portion of the Coconino NF is closed.

B – Maintain or enhance the credibility of forest managers in providing for public safety, resources, property and firefighter safety.

C – Maintain or enhance the projection of cooperative relationships between Forest Service and other agencies.

D – Emphasize what is OPEN to minimize impact to economy.

E – Keep the message alive until closures are lifted.

F – Maintain excellent documentation.

Key Messages

- The things we take into consideration when determining whether or not to close the forest are: 1) availability of firefighting resources; 2) anticipated weather trends; 3) number of daily fire starts; 4) anticipated numbers of forest visitors (i.e. a big weekend like memorial day); 5) social and political considerations (heightened concern from local citizens/communities, adjacent national forests, etc.)
- The forest closure area will reopen when the Forest Supervisor determines that a significant amount of widespread rain has significantly reduced the risk of wildfire to a manageable level and that hot, dry conditions will not quickly return.
- Closing the forest is not as simple as closing a gate. It is logistically complex and takes some time. Barricades have to be placed on many roads and signs placed at many trailheads.
- Closing the forest is a very last resort fire prevention tool. Fire restrictions have been effective in terms of the numbers of fires we have been getting, but with the fire behavior we've seen, we cannot afford to have more fires.



- Closing the forest is not a guarantee that there will not be fires, but it reduces the chances even more than fire restrictions. During the 1996 area closures (May 22 – July 8), there were 16 human caused fires on the Coconino National Forest. During the 2000 closures (June 8 – June 27) there were two human caused fires. The 10-year average for late May to mid-July is 80 human caused fires.
- Approximately 34 percent of the forest remains OPEN!!!
- Fines for violating the area closure are a minimum of \$100 and a maximum of \$5,000.
- It costs about \$7 thousand a day to close the National Forest. It costs about \$250 thousand to \$1 million a day to fight a wildfire.

Monitoring Results

This communication strategy is one of the tools the Forest can employ as an overall strategy for fire prevention. Success will be measured by: 1) number of citations issued; 2) number of human caused fire starts (campfires); 3) satisfaction by the other agencies and partners that they are informed and have sufficient tools to assist in informing the public and enforcing the closures.

Information Team Roles

Incident Commander – Deidre St.Louis

Information Team Leader – Raquel Poturalski

Information Center Manager – Joe Luttmann

Information Products (i.e. maps) – Dick Fleishman

Key Support – Karen Malis-Clark and Franklin Pemberton

Information Center Staff – Kristy Bryner, Joe Murray til 5/31, Kathleen West, Jennifer Plyler 6/3 for 2 weeks, IOF2 ordered, Jillian Worsam (weekends and afternoons)

Prevention Specialist – Suzanne Romero



Tasks

<i>Task</i>	<i>Person</i>	<i>Date</i>	<i>Com. Objective(s)</i>
Draft and finalize news release	Franklin/Raquel	May 19	A-D
Prepare press kits	Franklin/Raquel/Dick	May 19	A-F
Prepare maps	Dick	May 19	A-F
Fax press release state-wide immediately following press conference	Franklin	May 20	A-D
Arrange Info. Center Furniture following press conference	Joe L. / Franklin/Karen	May 20	
Organize Kristy and Joe M. to distribute closure info. around town – list attached	Joe L. (check with Kim Peterson, Ann Dunlop, and Anna Masterson for help from City) – Connie B. for Sedona	May 20	A-F
Phone calls to key partners/permittees	Deidre to document what Districts are doing	May 19/20	A-C
E-mail news release internally (include RO, state-wide prevention, Dawson, neighboring PAOs, Congressionals, etc.)	Karen	May 20	A-C
Make copies (per contact list attached) of flyers/maps/etc.	Franklin (check with Barb Dugger if Tanya can help)	May 19 & 20	
Draft and finalize talking points	Raquel	May 19	A-F
Draft and finalize Flyers	Raquel/Franklin/Dick	May 19	A-F
Draft and finalize employee letter	Franklin/Deidre	May 19	A,D,E,F
Coordinate with Forest and local Law Enforcement to establish criteria for whom to call for closure violations	Joe L.	May 20	B,C



Daily Tasks

<i>Task</i>	<i>Person</i>	<i>Date</i>	<i>Com. Objective(s)</i>
Clip and file all news clippings	Info. Center Staff	Daily	E
Maintain and file all phone logs	Info. Center Staff	Daily	E
Check web sites for accuracy – R3, azfireinfo.com, etc.	Info. Center Staff	Daily	E
Answer phone calls, distribute info. to public/media	Info. Center Staff	Daily	A-F
Staff Info. Center 0700-2200	Info. Center Staff	Daily	A-F
Maintain schedule of people and duties	Joe L.	Daily/Weekly	F
Briefing of Info. Team at start of shift	Joe L.	Daily	F
Keep Deidre informed of any potential adverse reaction from public	Raquel	As needed	A-C
Maintain unit log (ICS form 214) and running narrative of Info. Center operations	Joe L.	Daily	F
Manage electronic files as well as binder of hard copy documentation	Joe L.	Daily	F
Arrange for media interviews	Joe L./ Raquel/ Karen	As needed	A-F



Community Contact Points

<i>Point of Contact</i>	<i>Contacted By</i>	<i>Date</i>
Vertical Relief Climbing Gym		
Video City		
Sporting Goods Stores: The Edge Popular Peace Surplus Aspen Sports Babbitt's Backcountry Out. Tssaws Big 5 Mountain Sports Play It Again Sports Four Season Outfitters Inner Basin Absolute Bikes Silver Saddle Store		
Greyhound Bus Depot		
Grocery Stores: Frys, Albertsons, Bashas, Safeway		
Youth Hostels: Weatherford, DuBeau, Downtowner		
The Mall Info. Office		
Hotels and Motels		
Warner's Nursery		
The Home Depot		
Flagstaff Native Plan and Seed		
Bookmans		
Barnes and Noble		
Hastings		
McGaugh's		
Sam's Club		
APS		
Gas stations (include fringes of town)		
Fort Tuthill		
County Fairgrounds		



<i>Point of Contact</i>	<i>Contacted By</i>	<i>Date</i>
Arizona State Parks		
Riordan Mansion		
Luke AFB facility at Fort Tuthill		
Flagstaff Airport		
Car Rental Locations: Budget Downtown Flagstaff Flagstaff Airport Holiday Inn Enterprise Park Santa Fe Enterprise		
Private Campgrounds: Woody Mountain Big Tree KOA Munds Park Pinewood Black Barts Private Campgrounds Continued: Greer's Kit Carson Meteor Crater Happy Jack Lodge Mormon Lake Lodge		
Arizona Raft Adventures		
Arizona River Runners		
Museum of Northern AZ		
The Arboretum at Flagstaff		
Private In-holdings: Forest Highlands Pinewood Country Club Continental Country Club Flagstaff Athletic Club W.L. Gore Flagstaff Riding Club Hitchin' Post Stables Lowell Observatory		
Nature Conservancy		
Grand Canyon Trust		
Arizona Snowbowl		
Oak Creek Vista		
ANHA Outlets		



<i>Point of Contact</i>	<i>Contacted By</i>	<i>Date</i>
Flagstaff Visitor Center		
Flagstaff Convention & Visitor Bureau		
Arizona Dept. of Trans.		
Coc. County Highway Dept.		
City of Flagstaff (Kim Peterson)		
NAU Recreation Dept.		
High Altitude Training Center		
Sedona Chamber of Commerce		
Village of Oak Creek Visitor Center		
Cottonwood Chamber of Commerce		
Camp Verde Chamber of Commerce		
Sedona Cultural Park		
Sedona Public Library		



Appendix E - Sample Entry/Activity Permit Process

I. Process

- a. Any individual or organization needing to access closed portions of the forest for commercial or non-commercial purposes must have an entry permit and a numbered sticker.
- b. The original entry/activity permit form must be given to the responsible party such as the private homeowner, special use permittee, range permittee, researcher, etc.
- c. If there are several people who need entry/activity permits from the same organization/household, give the original entry permit and a sticker to the primary person responsible and initialed copies (in blue ink) of the original permit and stickers to all other authorized individuals. (Note: All license plate numbers must be listed on the original entry/activity permit.)
- d. Entry permits must include one route of travel to and from the destination, the effective dates of the permit, sticker number(s), and a list of all other authorized individuals and vehicles (including license plate numbers).
- e. Stickers must include valid dates, route of travel, and the name of the responsible individual/organization. (Note: All information on stickers should be written in black, permanent ink.)
- f. Stickers must be placed in the top, center of the windshield facing out. Entry/activity permit must be kept with the responsible party or in vehicle for the duration of its effective dates.
- g. Entry/activity permits for anywhere on the forest can be issued from any same forest district office. (Example: The Williams Ranger District office can issue an entry permit for the Tusayan Ranger District but not for any Coconino Districts.) This information should be shared between affected districts.
- h. In order to receive an entry/activity permit, individuals/organizations need to provide the following documentation: photo identification or driver's license (Note: driver's license required for those operating a motor vehicle) and proof of residence (example: property tax records) or business operation (example: special use permit). All motor vehicles shall have approved spark arresters.
- i. Each District Ranger must establish pre-approved criteria for issuing special use permits for specific uses that occur outside of normal activities. These are those uses such as University research/education, Game and Fish studies. An example of pre-approved criteria would be: a fire extinguisher, shovel, fire prevention plan.

II. Approving Officials

- a. Anyone authorized by the District Ranger may sign entry/activity permits.





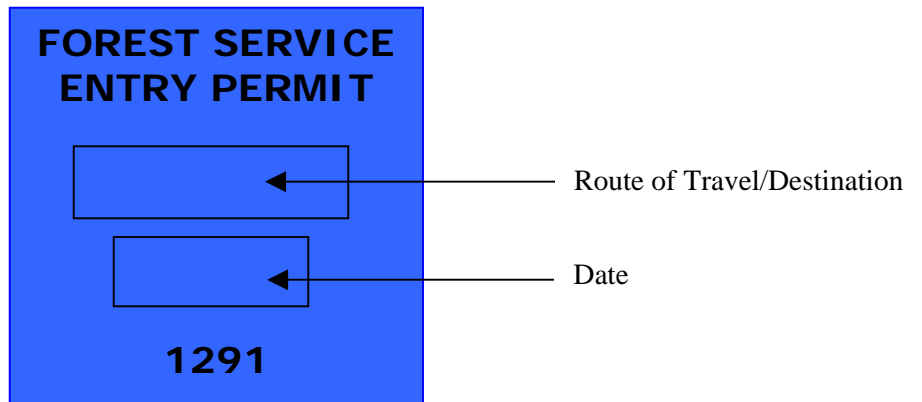
**NATIONAL
FOREST
ENTRY/ACTIVITY
PERMIT**

USDA – Forest Service
Southwestern Region
R3-5100-21 (5-03)

Permittee:		This National Forest, or portions thereof, are restricted or closed to public entry because of extreme fire danger. Persons whose business requires them to enter, may be issued an entry/activity permit. The permittee is responsible for preventing fires and for reporting any fire he discovers. This permit is non-transferable.	
Address:			
Auto License	Telephone:	The permittee may not smoke, use any fire or internal-combustion engine-driven vehicles or equipment while within this National Forest during the permit period except as provided in the conditions as stated below.	
Destination(s):			
Route of Travel: (to and from)		I hereby agree to the terms and conditions of this permit and will require all those in my party to do the same. Permittee: _____ Issued By: _____ Title: _____	
Purpose of visit:			
Permit valid from:	to: 20____	Forest:	District:
Conditions of this permit (vehicle and equipment use and inspection, fire tools required, spark arresters/mufflers, smoking and fire restrictions, watchmen, patrolmen, etc.)			
The permittee is responsible for all other persons, employees, agents or contractors authorized to enter under this permit, if any (use separate sheet if needed).			
Name: _____ Name: _____			
Address: _____ Address: _____			
Relationship: _____ Relationship _____			
The permittee, his/her party, employees, agents and persons under contract to him/her must comply with the terms of this permit. Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.			
This permit may be terminated at the discretion of the District Ranger			



(Sample Vehicle Sticker)



Appendix F - Forest Service Policy

**TITLE 1200 – ORGANIZATION
FOREST SERVICE MANUAL
Amendment No. 1200-92-1
Effective March 30, 1992**

1231.3 - Acting Authority. Heads of organizational units are frequently not available for periods of time. Positions also become vacant. In either event, the responsible officer must designate, in writing, an individual to act for, or as, the unit head. The designation of an "acting" must include the duration of the assignment.

Employees designated as "Actings" automatically assume and have the power to exercise all the authority delegated to the officer for whom they are acting, unless the written designation specifically limits the exercise of certain authorities. For example, a line officer designating an "acting" may be specifically prohibited from allowing an "Acting" to exercise a particular authority.

[The Office of the General Counsel (OGC) has rendered the opinion that an "Acting Forest Supervisor" may sign a Forest Order, as long as this authority has not been eliminated in the letter of delegation. Also, anyone authorized by the District Ranger may sign an entry/activity permit].

1231.31 - Continuing Acting Authority. A unit head may designate an employee to act on a continuing basis but only when the unit head is absent. For example, the Chief annually designates the Deputy Chiefs to serve as "Acting Chief" on a monthly rotation basis when the Chief and Associate Chief are not available. Position descriptions of employees who are expected to routinely act in the absence of a unit head generally reflect this authority and responsibility also.

**FSH 1909.15 - ENVIRONMENTAL POLICY AND PROCEDURES HANDBOOK
CHAPTER 30 - CATEGORICAL EXCLUSION FROM DOCUMENTATION
WO Amendment No. 1909.15-92-1
Effective 9/21/92**

31.1b - Categories Established by the Chief. The following categories of routine administrative, maintenance, and other actions normally do not individually or cumulatively have a significant effect on the quality of the human environment (sec. 05) and, therefore, may be categorically excluded from documentation in an EIS or an EA unless scoping indicates extraordinary circumstances (sec. 30.5) exist:

1. Orders issued pursuant to 36 CFR Part 261 - Prohibitions to provide short-term resource protection or to protect public health and safety. Examples include but are not limited to:
 - a. Closing a road to protect bighorn sheep during lambing season.



- b. Closing an area during a period of extreme fire danger.

FSH 2709.11 - SPECIAL USES HANDBOOK
CHAPTER 30 – FEE DETERMINATION
Effective 01/09/2003

31.23 - Temporary Fee Adjustments

1. Non-Use. The authorized Forest Service officer may place a use authorization in a non-use status when such action is necessary for the protection of the interest of the United States, or when circumstances beyond the holder's control deny the holder the use of the authorization. Placing an authorization in non-use status fully waives fees for that period. The holder may not use the area for the use authorized during the non-use period; however, the holder must maintain the premises and improvements in a satisfactory condition.

FSH 5109.18 - WILDLAND FIRE PREVENTION HANDBOOK
CHAPTER 50 - WILDLAND FIRE PREVENTION ENFORCEMENT AND FIRE INVESTIGATION
WO Amendment 5109.18-99-1
Effective 06/10/1999

52 - FIRE RESTRICTIONS AND CLOSURES. Ensure that plans are developed, for implementation at appropriate times by order on local units, for restrictions on the use of open fires and other causal agents and for closures of National Forest System lands due to fire danger. See Title 36, Code of Federal Regulations, part 261, subpart B for specific prohibitions.

Coordinate with Law Enforcement and Investigations Staff and Office of Communications personnel in the preparation and public notification for an order and implementation plan. All special orders must be reviewed by Law Enforcement and Investigations personnel prior to approval (FSM 5304.31a and 5304.33a).

52.1 - Fire Restriction Orders. Line officers above the District Ranger level issue orders for restricting activities on National Forest System lands. When a unit determines the need to order and implement the fire restriction plan, ensure close coordination with cooperators and other functional areas within the Forest Service, especially law enforcement personnel. Base the issuance of orders for these restrictions on:

1. Live fuel moistures.
2. Burning indexes.
3. Drought indexes.
4. Draw down levels.

52.2 - Emergency Forest Area Closures. An emergency closure of National Forest System lands for any reason can be extremely sensitive. Prior to the actual need for an emergency closure,



develop a plan for emergency forest area closures. The final decision to implement an emergency closure is implemented by order from a line officer above the District Ranger level, in most cases the Forest Supervisor. Orders for area closures should be based on extreme fire danger, and area closures must be coordinated with law enforcement and cooperating fire and law enforcement agencies.

1. Implement closures only under the most severe conditions.
2. Allow closures to remain in effect for the shortest possible time.
3. Implement closures with the concurrence of cooperators and local political jurisdictions.

52.3 - Posting. Display each prohibition contained in a restriction and/or closure order in a manner to reasonably bring the prohibitions to the attention of the public (36 CFR 261.51). Implementation should include feedback from communications and law enforcement personnel.

**TITLE 5300 - LAW ENFORCEMENT
FOREST SERVICE MANUAL
Amendment No. 5300-2000-2
Effective July 21, 2000**

5304.31 - Regional Foresters.

5304.31a - Authority. Issue orders and regulations, after review and concurrence by the Special Agent in Charge, pursuant to Title 36, Code of Federal Regulations, Part 261, Subpart B, section 50 and Part 261, Subpart C, section 70.

5304.31b - Responsibility. It is the responsibility of Regional Foresters to fulfill administrative support requirements in accordance with yearly support agreements (FSM 5304.21, para. 1c).

5304.32 - Station Directors, Area Directors, and Institute Director. It is the responsibility of the Station Directors, Area Director, and Institute Director or their actings to ensure that any allegations of illegal acts that meet the criteria in FSM 5304.21, paragraph 3b, when committed by any employee, are immediately reported in writing to the Washington Office, Director of Law Enforcement and Investigations (FSM 5320.43).

5304.33 - Forest Supervisors.

5304.33a - Authority. Issue orders, after review and concurrence by appropriate law enforcement personnel, pursuant to Title 36, Code of Federal Regulations, Part 261, Subpart B, section 50.

**FSH 5309.11 – LAW ENFORCEMENT HANDBOOK
CHAPTER 30 - VIOLATIONS
WO AMENDMENT 5309.11-2000-1
EFFECTIVE DATE: 08/22/2000**

32 - ISSUING ORDERS UNDER TITLE 36, CODE OF FEDERAL REGULATIONS, PART 261, SUBPART B



32.1 - Scope of Orders

Orders issued under the authority provided in Title 36, Code of Federal Regulations, sections 261.50(a) and (b) (36 CFR 261.50(a) and (b)) may not prohibit more than what is specified in the regulation. However, the prohibitions that are issued may be less restrictive than those authorized in 36 CFR Part 261, Subpart B, by dropping a restriction or making an exception. Take care when changing wording to clearly make the prohibition no more restrictive and to avoid changing the concept or purpose of the basic prohibition. Assistance in modifying such prohibitions may be requested from the Office of the General Counsel.

32.11 - Exemptions

An order may exempt any of the following persons from any of the prohibitions contained in the order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission.
2. Owners or lessees of land in the area.
3. Residents in the area.
4. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
5. Persons engaged in a business, trade, or occupation in the area.
6. Any other person meeting exemption requirements specified in the order.

32.2 - Legality of Orders

All orders must be legally sound to withstand court review. The originating unit shall obtain legal assistance from the unit's Law Enforcement Staff. Orders should be prepared in the following sequence:

1. Describe the area to which the order applies in such a manner that a person can clearly recognize the area. Utilize rivers, streams, marshes, lakeshores, roads, geographic names, and other natural or constructed features, in addition to legal land descriptions.
2. Describe the road or trail to which the order applies as indicated in paragraph 1.
3. Specify the times during which the prohibitions apply; for example, May through August.
4. State clearly each prohibition that is applied.
5. Post in accordance with Title 36, Code of Federal Regulations, section 261.51 (36 CFR 261.51).

TERMINATION OF ORDER

To remove or cancel a prohibition that does not have a specific timeframe or is being done prior to the ending date on the order, requires a Termination of an Order be prepared and executed. The termination order shall declare the prohibition is removed, specifying the date of the termination, and signed by the appropriate line officer.

Attach the original order to the termination order. Remove all signs stating the prohibition. See exhibit 01 for an example of a termination of an order.

33 – Exhibit 01

Sample Termination of an Order



_____ NATIONAL FOREST

Pursuant to Title 36 CFR 261.50(a) and/or (b), the prohibition(s) listed in Order Number

_____, applicable to the _____ National Forest, dated _____, and signed by

_____ is (are) hereby terminated.

Date: _____

By /s/ _____



Appendix G - 36 CFR 261 Regulations

TITLE 36 -- PARKS, FORESTS, AND PUBLIC PROPERTY CHAPTER II -- FOREST SERVICE, DEPARTMENT OF AGRICULTURE PART 261 -- PROHIBITIONS SUBPART A -- GENERAL PROHIBITIONS

§ 261.1 Scope.

(a) The prohibitions in this part apply, except as otherwise provided, when:

- (1) An act or omission occurs in the National Forest System or on a National Forest System road or trail.
 - (2) An act or omission affects, threatens, or endangers property of the United States administered by the Forest Service.
 - (3) An act or omission affects, threatens, or endangers a person using, or engaged in the protection, improvement or administration of the National Forest System or a National Forest System road or trail.
 - (4) An act or omission occurs within the designated boundaries of a component of the National Wild and Scenic Rivers System.
- (b) Nothing in this part shall preclude activities as authorized by the Wilderness Act of 1964 or the U.S. Mining Laws Act of 1872 as amended.

§ 261.1a Special use authorizations, contracts and operating plans.

The Chief, each Regional Forester, each Forest Supervisor, and each District Ranger or equivalent officer may issue special-use authorizations, award contracts, or approve operating plans authorizing the occupancy or use of a road, trail, area, river, lake, or other part of the National Forest System in accordance with authority which is delegated elsewhere in this chapter or in the Forest Service Manual. These Forest Officers may permit in the authorizing document or approved plan an act or omission that would otherwise be a violation of a subpart A or subpart C regulation or a subpart B order. In authorizing such uses, the Forest Officer may place such conditions on the authorization as that officer considers necessary for the protection or administration of the National Forest System, or for the promotion of public health, safety, or welfare.

§ 261.1b Penalty.

Any violation of the prohibitions of this part (261) shall be punished by a fine of not more than \$ 500 or imprisonment for not more than six months or both pursuant to title 16 U.S.C., section 551, unless otherwise provided.

§ 261.2 Definitions.

The following definitions apply to this part:

Archaeological resource means any material remains of prehistoric or historic human life or activities which are of archaeological interest and are at least 50 years of age, and the physical site, location, or context in which they are found.



Campfire means a fire, not within any building, mobile home or living accommodation mounted on a motor vehicle, which is used for cooking, personal warmth, lighting, ceremonial, or esthetic purposes. Fire includes campfire.

Camping means the temporary use of National Forest System lands for the purpose of overnight occupancy without a permanently-fixed structure.

Camping equipment means the personal property used in or suitable for camping, and includes any vehicle used for transportation and all equipment in possession of a person camping. Food and beverage are not considered camping equipment.

Cave means any naturally occurring void, cavity, recess, or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit a person to enter, whether the entrance is excavated or naturally formed. Such term shall include any natural pit, sinkhole, or other opening which is an extensive of a cave entrance or which is an integral part of the cave.

Cave resources mean any materials or substances occurring in caves including, but not limited to, biotic, cultural, mineralogic, paleontologic, geologic, and hydrologic resources.

Commercial use or activity -- any use or activity on National Forest System lands (a) where an entry or participation fee is charged, or (b) where the primary purpose is the sale of a good or service, and in either case, regardless of whether the use or activity is intended to produce a profit.

Damaging means to injure, mutilate, deface, destroy, cut, chop, girdle, dig, excavate, kill or in any way harm or disturb.

Developed recreation site means an area which has been improved or developed for recreation.

Distribution of printed material -- disseminating, posting, affixing, or erecting printed material as defined in this section.

Forest officer means an employee of the Forest Service.

Historical resource means any structural, architectural, archaeological, artifactual or other material remains of past human life or activities which are of historical interest and are at least 50 years of age, and the physical site, location, or context in which they are found.

Motorized equipment means any machine activated by a nonliving power source except small battery-powered handcarried devices such as flashlights, shavers, Geiger counters, and cameras.

Motor vehicle means any vehicle which is self-propelled or any vehicle which is propelled by electric power obtained from batteries, but not operated on rails.

National Forest System includes all national forest lands and waters reserved or withdrawn from the public domain of the United States, national forest lands and waters acquired through purchase, exchange, donation, or other means, national grasslands and land utilization projects and waters administered under title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein acquired under the Wild and Scenic River Act (16 U.S.C. 1271-1287) or National Trails System Act (16 U.S.C. 1241-1249).

National Forest System road means a road wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in a forest transportation atlas.



National Forest System trail means a trail wholly or partly within or adjacent to and serving a part of the National Forest System and which has been included in a forest transportation atlas.

National Forest wilderness means those parts of the National Forest System which were designated units of the National Wilderness Preservation System by the Wilderness Act of September 3, 1964, and such other areas of the National Forest System as are added to the wilderness system by act of Congress.

Operating plan means a plan of operations as provided for in 36 CFR part 228, subpart A, and a surface use plan of operations as provided for in 36 CFR part 228, subpart E.

Paleontological resource means any evidence of fossilized remains of multicellular invertebrate and vertebrate animals and multicellular plants, including imprints thereof. Organic remains primarily collected for use as fuel such as coal and oil are Paleontological Resources, but are excluded from the prohibitions under the rule.

Person means natural person, corporation, company, partnership, trust, firm, or association of persons.

Permission means oral authorization by a forest officer.

Permit means authorization in writing by a forest officer.

Prehistoric resource means any structural, architectural, archaeological, artifactual or other material remains of past human life or activity generally prior to the advent of written records and of anthropological interest, and the physical site, location, or context in which they are found.

Primitive areas are those areas within the National Forest System classified as Primitive on the effective date of the Wilderness Act, September 3, 1964.

Printed material -- any written and/or graphic material including but not limited to pamphlets, brochures, photographs, graphics, signs, and posters.

Publicly nude means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude.

Special-use authorization means a permit, term permit, lease or easement which allows occupancy, or use rights or privileges of National Forest System land.

State means any State, the Commonwealth of Puerto Rico, and the District of Columbia.

State law means the law of any State in whose exterior boundaries an act or omission occurs regardless of whether State law is otherwise applicable.

Stove fire means a campfire built inside an enclosed stove or grill, a portable brazier, or a pressurized liquid or gas stove, including a space-heating device.

Unauthorized livestock means any cattle, sheep, goat, hog, or equine not defined as a wild free-roaming horse or burro by § 222.20(b)(13), which is not authorized by permit to be upon the land on which the livestock is located and which is not related to use authorized by a grazing permit; provided, that noncommercial pack and saddle stock used by recreationists, travelers, other Forest visitors for occasional trips, as well as livestock to be trailed over an established driveway when there is no overnight stop on Forest Service administered land do not fall under this definition.



Vehicle means any device in, upon, or by which any person or property is or may be transported, including any frame, chassis, or body of any motor vehicle, except devices used exclusively upon stationary rails or tracks.

Volunteer or hosted enrollee means any person, not a Forest Service employee, officially participating in a Forest Service human resource program as authorized by an act of Congress and identified to accomplish one or more of the following objectives: provide skills training; education; useful work; develop understanding of ecological systems and conservation of natural resources; build cultural and communication bridges between various socioeconomic groups; and further the administration, development, and management of National Forest resources, forest research, and State and Private Forest activities.

Wild free-roaming horses and burros mean all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros, where the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above.

PART 261 -- PROHIBITIONS

SUBPART B -- PROHIBITIONS IN AREAS DESIGNATED BY ORDER

§ 261.50 Orders.

(a) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of described areas within the area over which he has jurisdiction. An order may close an area to entry or may restrict the use of an area by applying any or all of the prohibitions authorized in this subpart or any portion thereof.

(b) The Chief, each Regional Forester, each Experiment Station Director, the Administrator of the Lake Tahoe Basin Management Unit and each Forest Supervisor may issue orders which close or restrict the use of any National Forest System road or trail within the area over which he has jurisdiction.

(c) Each order shall:

- (1) For orders issued under paragraph (a) of this section, describe the area to which the order applies;
- (2) For orders issued under paragraph (b) of this section, describe the road or trail to which the order applies;
- (3) Specify the times during which the prohibitions apply if applied only during limited times;
- (4) State each prohibition which is applied; and
- (5) Be posted in accordance with § 261.51.



(d) The prohibitions which are applied by an order are supplemental to the general prohibitions in Subpart A.

(e) An order may exempt any of the following persons from any of the prohibitions contained in the order:

- (1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.
- (2) Owners or lessees of land in the area;
- (3) Residents in the area;
- (4) Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty; and
- (5) Persons engaged in a business, trade, or occupation in the area.
- (6) Any other person meeting exemption requirements specified in the order.

(f) Any person wishing to use a National Forest System road or trail or a portion of the National Forest System, should contact the Forest Supervisor, Director, Administrator, or District Ranger to ascertain the special restrictions which may be applicable thereto.

§ 261.51 Posting.

Posting is accomplished by:

- (a) Placing a copy of the order imposing each prohibition in the offices of the Forest Supervisor and District Ranger, or equivalent officer who have jurisdiction over the lands affected by the order, and
- (b) Displaying each prohibition imposed by an order in such locations and manner as to reasonably bring the prohibition to the attention of the public.

§ 261.52 Fire.

When provided by an order, the following are prohibited:

- (a) Building, maintaining, attending or using a fire, campfire, or stove fire.
- (b) Using an explosive.
- (c) Smoking.
- (d) 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 material.
- (e) Going into or being upon an area.
- (f) Possessing, discharging or using any kind of firework or other pyrotechnic device.
- (g) Entering an area without any firefighting tool prescribed by the order.
- (h) Operating an internal combustion engine.



- (i) Welding, or operating an acetylene or other torch with open flame.
- (j) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 - (1) Department of Agriculture, Forest Service Standard 5100-1a; or
 - J350(a).
- (k) Violating any state law specified in the order concerning burning, fires or which is for the purpose of preventing, or restricting the spread of fires.

§ 261.70 Issuance of regulations.

- (a) Pursuant to 7 CFR 2.60, the Chief, and each Regional Forester, to whom the Chief has delegated authority, may issue regulations prohibiting acts or omissions within all or any part of the area over which he has jurisdiction, for one or more of the following purposes:
 - (1) Fire prevention or control.
 - (2) Disease prevention or control.
 - (3) Protection of property, roads, or trails.
 - (4) Protection of threatened, endangered, rare, unique, or vanishing species of plants, animals, birds or fish, or special biological communities.
 - (5) Protection of objects or places of historical, archaeological, geological or paleontological interest.
 - (6) Protection of scientific experiments or investigations.
 - (7) Public safety.
 - (8) Protection of health.
 - (9) Establishing reasonable rules of public conduct.
- (b) Regulations issued under this subpart shall not be contrary to or duplicate any prohibition which is established under existing regulations.
- (c) In issuing any regulations under paragraph (a) of this section, the issuing officer shall follow 5 *U.S.C.* 553.
- (d) In a situation when the issuing officer determines that a notice of proposed rule making and public participation thereon is impracticable, unnecessary, or contrary to the public interest, he shall issue, with the concurrence of the Chief, an interim regulation containing an expiration date.
- (e) No interim regulation issued under paragraph (d) of this section will be effective for more than 90 days unless readopted as a permanent rule after a notice of proposed rule making under 5 *U.S.C.* 553 (b) and (c).



Appendix H - 16 U.S.C. §551; 18 U.S.C. §3559, 3571

TITLE 16. CONSERVATION

CHAPTER 3. FORESTS; FOREST SERVICE; REFORESTATION; MANAGEMENT GENERAL PROVISIONS

16 USCS § 551 (2002)

§ 551. Protection of national forests; rules and regulations

The Secretary of the Interior [Agriculture] shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations [national forests] which may have been set aside or which may be hereafter set aside under the said Act of March third, eighteen hundred and ninety-one, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this Act or such rules and regulations shall be punished by a fine of not more than \$ 500 or imprisonment for not more than six months, or both. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States commissioner [magistrate judge] specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in title 18 U.S.C. 3401, subsections (b), (c), (d), and (e), as amended.

TITLE 18. CRIMES AND CRIMINAL PROCEDURE

PART II. CRIMINAL PROCEDURE

CHAPTER 227. SENTENCES

SUBCHAPTER A. GENERAL PROVISIONS

18 USCS § 3559 (2002)

§ 3559. Sentencing classification of offenses

(a) Classification. An offense that is not specifically classified by a letter grade in the section defining it, is classified if the maximum term of imprisonment authorized is--

- (1) life imprisonment, or if the maximum penalty is death, as a Class A felony;
- (2) twenty-five years or more, as a Class B felony;
- (3) less than twenty-five years but ten or more years, as a Class C felony;
- (4) less than ten years but five or more years, as a Class D felony;
- (5) less than five years but more than one year, as a Class E felony;
- (6) one year or less but more than six months, as a Class A misdemeanor;
- (7) six months or less but more than thirty days, as a Class B misdemeanor;
- (8) thirty days or less but more than five days, as a Class C misdemeanor; or
- (9) five days or less, or if no imprisonment is authorized, as an infraction.



(b) Effect of classification. Except as provided in subsection (c), an offense classified under subsection (a) carries all the incidents assigned to the applicable letter designation, except that, the maximum term of imprisonment is the term authorized by the law describing the offense.

(c) Imprisonment of certain violent felons.

(1) Mandatory life imprisonment. Notwithstanding any other provision of law, a person who is convicted in a court of the United States of a serious violent felony shall be sentenced to life imprisonment if—

(A) the person has been convicted (and those convictions have become final) on separate prior occasions in a court of the United States or of a State of—

(i) 2 or more serious violent felonies; or

(ii) one or more serious violent felonies and one or more serious drug offenses; and

(B) each serious violent felony or serious drug offense used as a basis for sentencing under this subsection, other than the first, was committed after the defendant's conviction of the preceding serious violent felony or serious drug offense.

(2) Definitions. For purposes of this subsection—

(A) the term "assault with intent to commit rape" means an offense that has as its elements engaging in physical contact with another person or using or brandishing a weapon against another person with intent to commit aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242);

(B) the term "arson" means an offense that has as its elements maliciously damaging or destroying any building, inhabited structure, vehicle, vessel, or real property by means of fire or an explosive;

(C) the term "extortion" means an offense that has as its elements the extraction of anything of value from another person by threatening or placing that person in fear of injury to any person or kidnapping of any person;

(D) the term "firearms use" means an offense that has as its elements those described in section 924(c) or 929(a), if the firearm was brandished, discharged, or otherwise used as a weapon and the crime of violence or drug trafficking crime during and relation to which the firearm was used was subject to prosecution in a court of the United States or a court of a State, or both;

(E) the term "kidnapping" means an offense that has as its elements the abduction, restraining, confining, or carrying away of another person by force or threat of force;

(F) the term "serious violent felony" means—

(i) a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111); manslaughter other than involuntary manslaughter (as described in section 1112); assault with intent to commit murder (as described in section 113(a)); assault with intent to commit rape; aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242); abusive sexual contact (as described in sections 2244 (a)(1) and (a)(2)); kidnapping; aircraft piracy (as described in section 46502 of Title 49); robbery (as described in section 2111, 2113, or 2118); carjacking (as described in section 2119); extortion; arson; firearms use; firearms possession (as described in section 924(c)); or attempt, conspiracy, or solicitation to commit any of the above offenses; and



(ii) any other offense punishable by a maximum term of imprisonment of 10 years or more that has as an element the use, attempted use, or threatened use of physical force against the person of another or that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense;

(G) the term "State" means a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States; and

(H) the term "serious drug offense" means—

(i) an offense that is punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841 (b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act 21 U.S.C. 950(b)(1)(A)); or

(ii) an offense under State law that, had the offense been prosecuted in a court of the United States, would have been punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21U.S.C. 950(b)(1)(A)).

(3) Nonqualifying felonies.

(A) Robbery in certain cases. Robbery, an attempt, conspiracy, or solicitation to commit robbery; or an offense described in paragraph (2)(F)(ii) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that—

(i) no firearm or other dangerous weapon was used in the offense and no threat of use of a firearm or other dangerous weapon was involved in the offense; and

(ii) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person.

(B) Arson in certain cases. Arson shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that--

(i) the offense posed no threat to human life; and

(ii) the defendant reasonably believed the offense posed no threat to human life.

(4) Information filed by United States Attorney. The provisions of section 411(a) of the Controlled Substances Act (21 U.S.C. 851(a)) shall apply to the imposition of sentence under this subsection.

(5) Rule of construction. This subsection shall not be construed to preclude imposition of the death penalty.

(6) Special provision for Indian country. No person subject to the criminal jurisdiction of an Indian tribal government shall be subject to this subsection for any offense for which Federal jurisdiction is solely predicated on Indian country (as defined in section 1151) and which occurs within the boundaries of such Indian country unless the governing body of the tribe has elected that this subsection have effect over land and persons subject to the criminal jurisdiction of the tribe.

(7) Resentencing upon overturning of prior conviction. If the conviction for a serious violent felony or serious drug offense that was a basis for sentencing under this subsection is found, pursuant to any appropriate State or Federal procedure, to be unconstitutional or is vitiated on the explicit basis of innocence, or if the convicted person is pardoned on the explicit basis of innocence, the person serving a sentence imposed under this subsection shall be resentenced to any sentence that was available at the time of the original sentencing.



(d) Death or imprisonment for crimes against children.

(1) In general. Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if—

(A) the victim of the offense has not attained the age of 14 years;

(B) the victim dies as a result of the offense; and

(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).

(2) Exception. With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.

TITLE 18. CRIMES AND CRIMINAL PROCEDURE

PART II. CRIMINAL PROCEDURE

CHAPTER 227. SENTENCES

SUBCHAPTER C. FINES

18 USCS § 3571 (2002)

§ 3571. Sentence of fine

(a) In general. A defendant who has been found guilty of an offense may be sentenced to pay a fine.

(b) Fines for individuals. Except as provided in subsection (e) of this section, an individual who has been found guilty of an offense may be fined not more than the greatest of—

(1) the amount specified in the law setting forth the offense;

(2) the applicable amount under subsection (d) of this section;

(3) for a felony, not more than \$ 250,000;

(4) for a misdemeanor resulting in death, not more than \$ 250,000;

(5) for a Class A misdemeanor that does not result in death, not more than \$ 100,000;

(6) for a Class B or C misdemeanor that does not result in death, not more than \$ 5,000; or

(7) for an infraction, not more than \$ 5,000.

(c) Fines for organizations. Except as provided in subsection (e) of this section, an organization that has been found guilty of an offense may be fined not more than the greatest of—

(1) the amount specified in the law setting forth the offense;

(2) the applicable amount under subsection (d) of this section;



- (3) for a felony, not more than \$ 500,000;
- (4) for a misdemeanor resulting in death, not more than \$ 500,000;
- (5) for a Class A misdemeanor that does not result in death, not more than \$ 200,000;
- (6) for a Class B or C misdemeanor that does not result in death, not more than \$10,000; and
- (7) for an infraction, not more than \$ 10,000.

(d) Alternative fine based on gain or loss. If any person derives pecuniary gain from the offense, or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process.

(e) Special rule for lower fine specified in substantive provision. If a law setting forth an offense specifies no fine or a fine that is lower than the fine otherwise applicable under this section and such law, by specific reference, exempts the offense from the applicability of the fine otherwise applicable under this section, the defendant may not be fined more than the amount specified in the law setting forth the offense.



Appendix I – Sample Letters

Sample Letter for Agreement Notification

Re: Agreement No. 02-1102xxxx-xxx.

For_

Dear Cooperator:

This is to inform you that effective _____, the _____ National Forest is under a Stage III Fire Closure. Based on the attached Special Order, we are stopping any further work authorized by the referenced agreement as of the date of the closure.

We will notify you in writing when the area/Forest closure is lifted. As necessary, we'll renegotiate the terms of the agreements with you at that time. All agreed-to negotiations will be in writing as a modification to the agreement. In the event the closure adversely affects your ability to continue the project, you have the option to terminate the agreement in accordance with Clause ____.

If you have questions regarding this notification in terms of the project, please call the project manager _____, at _____. If you have questions regarding the agreement, call the administrative contact, _____, at _____.

Sincerely,

Forest Supervisor

National Forest

Enclosure



Sample Letter for Stage III Fire Closure with Timber Sale Purchasers

Dear : _____

Enclosed is a copy of Interagency Order # _____ that implements a stage III fire closure of the _____ National Forest. Under this order no further operations will be permitted on the _____ Timber Sale, contract # _____.

You will be notified when this closure order is rescinded.

If you have questions regarding this closure order, operations, or conditions on the Timber Sale Area please contact me or Forest Service Representative_____.

Sincerely,

Contracting Officer
_____ National Forest

Enclosure



Sample Letter for Oil and Gas Lessees

To all Oil and Gas Companies Doing Business on the Jicarilla Ranger District

Dear Sir or Madam:

I would like to thank you for attending the fire meeting we held last week regarding possible fire restrictions and the affects these restrictions could have on your operations on the Jicarilla Ranger District. As fire danger increases and as fire restrictions are placed upon the Forest, we decided that operations can probably continue with prior written permission for activities on the District. As restrictions go into effect, we will inform the various producers on the District as to what these restrictions entail and work with each operator on written permission and alternatives that may be needed to continue your operations. A great way to keep you and your employees informed is to look at the web site maintained by the Southwest Region at <http://www.fs.fed.us/r3/fire>. This site will allow you to also access the SWA Daily ERC chart which is what the Forest uses in determining fire potential and levels of fire restrictions.

I also need to remind you that the Forest Service and BLM pursue fire suppression costs for all human caused fires. The operator is responsible for the cost of suppressing all fires caused by their operation, and for all damage to any property of the USDA Forest Service or third parties. The Forest Service reserves the right to participate in extinguishing any fires cause by the operator and shall reimburse the Forest Service for the cost of all suppression activities ordered or directed by the Forest Service. I do not want to alarm you into not reporting fires or not informing us that a small fire occurred at your operating site and that your work force was able to suppress the fire, as all fires must be reported to the Forest Service, I just want to let you know that you are responsible for costs in suppression of fires if the fire is caused by your operations.

I would like to ask that you keep the District informed as to when you move in drill rigs, completions or workovers this fire season. This will help our fire suppression forces know where industry activity is occurring which will help provide safety for your personnel working in the field in the event of a fire. I do not want to make this a formal process but if you could just give the office a call and let Cam Hooley know when and where you are moving a rig and expected length of stay, that will be sufficient. In addition, we now have e-mail capability at the office and you can also e-mail Cam to let her know of your plans.

Cam Hooley at chooley/r3_carson@fs.fed.us

Enclosed are guidelines that we will use by the different levels of fire restrictions. Please remember that there may be more needed in certain fuel models but we think this ought to work for 90% of your operations.



I think we made some great strides at this meeting and again I would like to thank you all for attending. In addition, my staff is also available to help you in briefing your crews or sub contractors regarding fire severity and restrictions if any are in place. If you have any questions, please give myself, Cam or Greg Valdez a call at (505)632-2956. We look forward to working with you and hopefully we will have a safe and normal fire season.

Sincerely,

MARK S. CATRON
District Ranger

Enclosures

cc:

SO

Kelly Castillo, Farmington BLM FMO

Carl Romnes, Jicarilla Apache FMO

Joe Valdez, NM State Forestry



Fire Restriction Levels and Fire Precaution Needs for Oil and Gas Operations on the Jicarilla RD

Level 1 - ERC < 38 Normal Operations, no extra fire precautions needed.

Level 2 - ERC 38-74 This level usually restricts campfires and smoking to campgrounds and picnic areas only.

In addition to your normal operating procedures:

- * Crew briefings on fire precautions and fire suppression.
- * Designated smoking areas only to approved on-site locations as designated by the crew supervisor or in vehicles.
- * Fire suppression tools and extinguishers are available at all work sites and in vehicles.
- * A person has been designated as a fire guard and or scout during working operations. This can be a general worker or immediate supervisor on the job site. No extra personnel is required under this level of restriction.

Level 3 - ERC 74-82 This level usually restricts all smoking, campfires, and chainsaw use during certain hours and various heavy equipment working in the woods.

In addition to those listed in level 2 restrictions, operations must include:

- * Smoking only inside vehicles or at well sites.
- * Prior approval by the Jicarilla District Ranger must be obtained for such activities such as welding, clearing, flaring, and chainsaw use. We anticipate that this will be a verbal authorization followed by written approval either in a formal letter form or e-mail.
- * Operations such as road grading, rock crushing, road surfacing, and other operations occurring on mineral soil may continue without approval by the District Ranger.
- * 80 barrels of fresh water will be available for fire suppression and a minimum of 300 feet of 1 1/2 inch hose with nozzle will be available at work locations.

Level 4 - ERC 83+ Restrictions include Forest closure

In addition to Level 3 restrictions,

- * A fire guard or scout will be designated for all operations. This person's job will be detached from the normal work operations and their entire job will be to act as a fire guard/scout. This scout will remain on the job site for a minimum of one hour after all work has been completed for the day.
- * The District Ranger or the District FMO will contact the producers to inform them of the fire severity level. Some considerations that companies will be asked is to see if there are other work alternatives that might be accomplished or possible delay some operations until the fire severity lessens. Some alternatives might include, night operations when temperatures is lower and the humidity is recovering, etc.



* Written approval is required from the Carson National Forest Supervisor. Please initiate that request through our office and we will initiate the approval from the District office. This may take an extra 3 or 4 days to gain prior approval, as this request is not delegated down to the District's authority.

Level 5 - ERC 83+ Restrictions include Forest Closures.

Level 5 has the same ERC levels plus incorporates other factors such as storm fronts approaching with associated high winds, many fires going on within the immediate area and fire suppression resources are scarce, other significant factors that might affect fire behavior.

* Same as level 4.

Emergency phone numbers and to report a fire:

Jicarilla Ranger District (505)632-2956 Office Hours 8:00 to 4:30

Central Dispatch 911 or (505)334-6622 24 hours

Taos Zone Fire Dispatch (505)758-6208

BLM Farmington (505)599-8900 Office Hours 8:00 to 4:30

BIA Forestry Jicarilla Apache Agency (505)759-3963



Appendix J - Size, Scope, and Time Considerations For Restrictions/Closures

A. Size and Scope of Restrictions and Closures

Restrictions or closure orders should be implemented on the smallest geographic scale to affect the fewest number of people which will meet the need for and objectives of the restriction/closure. This balancing of benefits and costs is based on carefully defining the need for the restrictions; the risks faced by the forest; the potential benefits of the restriction/closure; and the cost to the public, permit holders, and contractors, as well as the cost of implementation.

Special Considerations

Tribal treaty rights must be considered. Also, every order must consider the right of access to private property and other outstanding private property rights.

Identifiable Area Boundaries

For ease of implementation and interagency coordination, an order should be designed to cover an easily identifiable, logical geographic area. This may be a ranger district, a watershed, or an area bounded by specified roads or topographic features.

All closure orders should be accompanied by a high-quality map clearly delineating the boundaries of the closure in such a manner that the public can readily locate those boundaries on the ground. As enforcement is a key component of every order, the boundaries must be designed to facilitate compliance enforcement.

Multiple-area Restrictions

Various stages might be in effect in more than one geographic area across the landscape. However, before making the decision to implement more than one stage at a time on the landscape, there needs to be careful consideration of the potential for confusion and for potential effects on the public and forest users.

Small geographic extent orders could be used when needed specifically for public or firefighter safety. An example would be to close the area within and around a wildfire, including the greatest estimated five-day extent of burned area.



Options to Consider

Options to a closure may include the following to allow certain recreation activities:

Allow day use only.

Allow day use only at developed recreation sites.

Allow overnight use in wilderness, parking at designated trailheads.

Allow overnight use only in developed campgrounds.

Allow overnight use only in developed campgrounds with full-time hosts.

Allow day/overnight use in specified areas that are easy to patrol and monitor.

Allow use only in developed sites along county/state highways.

B. Length of Time

Restriction or closure orders should only be considered with regard to long-term risks. It is important to avoid the appearance of constantly changing the stage of restrictions. Once a decision is reached that an order is appropriate, that order needs to remain in place until the danger has clearly passed. A short-term change in weather may give the appearance that the risk has passed, but, if followed by a warm dry trend, the risks could again accelerate. While it is not prudent to impose more severe restrictions than are warranted, the evaluation of risk should be made over an extended timeframe.

When a specified level of restrictions is no longer needed based on the risk assessment, and evaluation indicates that the danger has passed for the foreseeable future, the restrictions may be relaxed to a lower stage by implementing a new, supplemental, or modified order. In many instances, it will be more appropriate to phase out of restriction stages, rather than immediately dropping to the lowest non-restriction level.

All orders need to have a “sunset” provision, whereby the order will terminate.



Appendix K - Coordination with Others

Suggestions of agencies and interests that need to be consulted may include:

- Regional Office and adjacent National Forest System units
- District Rangers and staff
- Fire management staff and appropriate fire dispatch center
- Other federal agencies (BLM, USF&WS, DOE, NPS, etc.)
- Tribes
- Researchers
- Congressional members
- State officials and land and resource agencies
 - o Emergency Management Office
 - o State parks
 - o Transportation departments
 - o State forester
 - o Wildlife agency
- County and city officials
- General public
- Private landowners
- Commercial interests
 - o Vendors
 - o Chambers of commerce
- Permittees and contractors
 - o Grazing permittees
 - o Oil and gas lessees
 - o Special use permittees (utility, research, outfitter-guides, lodges, resorts, etc.)
 - o Timber Sale contractors
 - o Construction contractors
 - o Service contractors
 - o Supply contractors
 - o Mining operators
 - o Concessionaires
 - o Cooperators and volunteers



Appendix L - Regional Office Contacts

Aviation and Fire Management

Bill Waterbury, Assistant Director – Fire Operations, 505-842-3418

Rick Reitz, Fuel Management/Prevention, 505-842-3804

Law Enforcement and Investigations

Robin Poague, Regional Patrol commander, 505-842-3363

Ben Tafoya, Assistant Special Agent in Charge, 505-842-3362

Recreation, Wilderness and Heritage

Dennis Garcia, Recreation Data Management, 505-8423443

Vacant, Wilderness – WSR, 505-842-3234

Jeff Saari, Developed Sites and Fee Demo, 505-842-3236

Judy Propper, Heritage, 505-842-3232

John Beckley, Recreation Special Uses, 505-842-3235

Agreements

Susan McDonnell, 505-842-3345

Contracting and Acquisition Management

Richard Salazar, Director, 505-842-3340

Rufus Cole, Assistant Director – Contracts, 505-842-3342

Christine O’Guin, Contracting, 505-842-3317

Peggy Dabb, Contracting, 505-842-3122



Grazing

David Stewart, Director, 505-842-3224

Ber Brown, Assistant Director, 505-842-3220

Oil, Gas, and Minerals

Diane Tafoya, NM Zone Geologist, 505-842-3275

Mark Schwab, AZ Zone Geologist, 602-225-5266

Lands Special Uses

Paul Wachter, Special Use Group Leader, 505-842-3277

Bob Suedkamp, Grants and Special Uses, 505-842-3277

Timber

Marlin Johnson, Assistant Director - Forestry, 505-842-3234

Dave Harris, Timber Sales Administration, 505-842-3426

Office of the General Counsel

Mary Ann Joca, 505-248-6006

Patricia Disert, 505-248-6007

Cassandra Casaus-Currie, 505-248-6009

Public Affairs

Deborah Gill, Fire Information Specialist, 505-842-3290

Mary Zabinski, Fire Information Officer, 505-842-3897

Regional Restriction/Closure Coordinator

Denise McCaig, Southwest Strategy Coordinator, 505-842-3406



Appendix M - Signing

All forests are encouraged to use the UNICOR signs for the various fire ratings, closures and restrictions. These have been approved for use by the agency. If you need special signing, follow the region's printing and purchasing guidelines.

The website for UNICOR is: <http://fsweb.wo.fs.fed.us/eng/unicor/cover.htm>





PS1110A 12" x 14"
Red on Lompoc green.
EA. \$2.69



PS1111A 12" x 14"
Red on Lompoc green.
EA. \$2.69



PS1110B 44" x 15 1/2"
Red on Lompoc green.
EA. \$3.32



PS1111B 12" x 14"
Red on Lompoc green.
EA. \$2.69



PS1110C 42" x 34"
Red on Lompoc green.
EA. \$3.32



PS1111C 42" x 15 1/2"
Red on Lompoc green.
EA. \$3.32

PS1110D Same as PS1110C (reflective)
EA. \$3.92



PS1111D 42" x 15 1/2"
Red on Lompoc green.
EA. \$3.32

PS1110E Same as PS1110C, except size.
EA. \$3.73

PS1110F Same as PS1110D, except size.
EA. \$3.92

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P51112A 12" x 14"
Red on Lompoc green.
EA, \$2.09



P51112B 12" x 14"
Red on Lompoc green.
EA, \$2.09



P51113B Brown on white... 42" x 34"
EA, \$5.46



P51112C 44" x 15 1/2"
Red on Lompoc green.
EA, \$3.32

P51113C Same as P51113B (reflective) 42" x 34"
EA, \$15.09



P51112D 44" x 15 1/2"
Red on Lompoc green.
EA, \$3.32

P51113D Same as P51113B, except size. 54" x 44"
EA, \$7.98

P51113E Same as P51113C, except size. 54" x 44"
EA, \$23.98



P51113A 12" x 18"
Red on Lompoc green.
EA, \$2.23



P51114A 54" x 44"
Red on Lompoc green.
EA, \$7.73

P51114B Same as P51114A (reflective) 54" x 44"
EA, \$23.98

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Appendix N - Relationship between Industrial Fire Precautions and Fire Restrictions/Closures

Stage	Southwest Preparedness Level	Industrial Fire Precaution Level	ERC's
None	1	A	<35
Stage 1	2-3	A, B	35-70
Stage 2	2-4	B, C	53-81
Stage 3	3-5	C, D	71->81
Stage 4	4-5	D	>90

Each forest should supplement or refer to their fire management plan for additional specifics.



Appendix O - Dealing with fire restrictions and/or closures and the National Recreation Reservation Service

This is to assist in contacting customers and notifying NRRS that 1) a forest fire restriction and/or closure is going to be in effect and 2) the forest fire restrictions and/or closures are rescinded.

1. Inventory and Points of Contact must be verified by the forest NRRS coordinator at the beginning of each calendar year.
2. Administrative closures reflected by forest fire restrictions and/or closures shall be initiated by Points of Contact at the forest level or by the regional office.
3. The forests must notify NRRS inventory as soon as the forest fire restriction and/or closure decision is made.
4. Units must make sure that the forest fire restriction and/or closure actually closes specific campgrounds or other developed sites.
5. If the unit prohibits use outside the site but allows use in the site to continue then that advisory must also be forwarded to NRRS.
6. Forests must estimate the time that the forest fire restriction and/or closure is going to be in effect.
7. Once the forest fire restriction and/or closure is rescinded, the forest must notify NRRS Inventory as that action occurs.
8. Forests must estimate the number of cancelled reservations and provide estimates to the fiscal section that administrative charges will be incurred for each reservation cancelled per the Contract Line Items Number Charges. These are estimated to be approximately \$20 per cancellation.
9. If there are customers that are affected, the Reserve America Customer Service staff will proceed with notifying each customer and re-booking them to another site or Field Location.



Order Number: _____

ORDER
STAGE I FIRE RESTRICTIONS
_____ **NATIONAL FOREST**

Pursuant to 36 CFR § 261.50(a), the following acts are **prohibited** on all National Forest System lands within the _____ National Forest, in the State of _____ (“the restricted area”). The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

4. Building, maintaining, attending or using a fire, campfire or stove fire, except within a developed recreation site. 36 CFR § 261.52(a)
5. 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 material. 35 CFR §261.52(d).
6. Possessing, discharging or using any kind of firework or other pyrotechnic device. 36 CFR §261.52(f).

Pursuant to 36 CFR § 261.50(e), the following persons [**choose appropriate “persons” below**] are exempt from this order:

4. Persons with a permit that authorizes actions specifically prohibited by this closure order.
5. Any Federal, State or Local Officer or member of an organized rescue or firefighting force in the performance of an official duty.
6. Lessees or permittees within the restricted area are exempt from prohibition 1 above, provided such fires are within their residence.

These restrictions are being implemented for public safety and because of extreme fire hazard conditions on federal lands.

This order becomes effective at (time, date, year), and will remain in force until rescinded or until _____, 2003, which ever occurs first.

Done at [city], [state], this ____ day of _____(month), _____(year).

[FOREST SUPERVISOR’S NAME]
Forest Supervisor
_____ National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.

Order Number: _____

ORDER
STAGE II FIRE RESTRICTIONS
_____ **NATIONAL FOREST**

Pursuant to 36 CFR § 261.50(a), the following acts are **prohibited** on all National Forest System lands within the _____ National Forest, in the State of _____ (“the restricted area”). The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

10. Building maintaining, attending, or using a fire, campfire or stove fire. 36 CFR 261.52(a).
11. Smoking, except within an enclosed vehicle or building. 36 CFR 261.52(c).
12. Possessing, discharging or using any kind of firework or other pyrotechnic device. 36 CFR 261.52(f).
13. Using an explosive. 36 CFR 261.52(b).
14. Operating a chainsaw or other equipment powered by an internal combustion engine is prohibited from 1:00 p.m. to 1:00 a.m. 36 CFR 261.52(h).
15. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either:
 - Department of Agriculture, Forest Service Standard 5100-1a; or
 - Appropriate Society of Automotive Engineers (SAE recommended practice J335(b) and J350(a). 36 CFR § 261.52(j)
16. Welding, or operating an acetylene or other torch with open flame. 36 CFR 261.52(i).
17. Possess or use a motor vehicle off National Forest System Roads. 36 CFR 261.56
Except when parking in an area devoid of vegetation within 10 feet of the roadway; and except for parking overnight in developed campgrounds and at trailheads.
18. Violating any state law concerning burning, fires, or which is for the purpose of preventing or restricting the spread of fire. 36 CFR § 261.52(k).

(Reference specific state statute)

Pursuant to 36 CFR § 261.50(e), the following persons [**choose appropriate “persons”**] are exempt from this order:

5. Persons with a permit that authorizes actions specifically prohibited by this closure order.
6. Persons in a developed recreation site using a fire fueled solely by liquid petroleum or LPG fuels.
7. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
8. Lessees or permittees within the restricted area are exempt from prohibition 1 above, provided such fires are within their residence.

This order becomes effective at (time), (date), (year), and will remain in force until rescinded or until (time), (date), (year), which ever occurs first.

Done at ___**[city]**_____, **[state]**, this ___ day of _____(month), _____(year).

[FOREST SUPERVISOR'S NAME]

Forest Supervisor

_____ National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.

Order Number: _____

ORDER
EMERGENCY AREA FIRE CLOSURE (STAGE III)
_____ **NATIONAL FOREST**

Pursuant to 36 CFR § 261.50(a), and 36 CFR § 261.50(b), the following acts are **prohibited** within the specific area boundary within the _____ National Forest, in the State of _____ (“the restricted area”). The specific restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

2. Going into or being upon the restricted area. 36 CFR § 261.52(e)

Pursuant to 36 CFR § 261.50(e), the following persons [**choose appropriate “persons” below**] are exempt from this closure order:

3. Persons with a permit that authorizes actions specifically prohibited by this closure order.
4. Any Federal, State or Local Officer or member of an organized rescue or firefighting force in the performance of an official duty.

[Short and succinct reason for closure.]

This order becomes effective at (time), (date), (year), and will remain in force until rescinded or until (time), (date), (year), which ever occurs first.

Done at [city], [state], this ____ day of _____ (month), _____ (year).

[FOREST SUPERVISOR’S NAME]
Forest Supervisor
_____ National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.

Order Number: _____

ORDER
EMERGENCY FIRE CLOSURE (STAGE IV)
_____ NATIONAL FOREST

Pursuant to 36 CFR § 261.50(a), and 36 CFR § 261.50(b), the following acts are **prohibited** on all National Forest System lands within the _____ National Forest, in the State of _____ (“the restricted area”). The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

2. Going into or being upon the restricted area. 36 CFR § 261.52(e)

Pursuant to 36 CFR § 261.50(e), the following persons [**choose appropriate “persons” below**] are exempt from this closure order:

3. Persons with a permit that authorizes actions specifically prohibited by this closure order.
4. Any Federal, State or Local Officer or member of an organized rescue or firefighting force in the performance of an official duty.

[Short and succinct reason for closure.]

This order becomes effective at (time, date, year), and will remain in force until rescinded or until _____, 2003, which ever occurs first.

Done at [city], [state], this ____ day of _____ (month), _____ (year).

[FOREST SUPERVISOR’S NAME]
Forest Supervisor
_____ National Forest

Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.



**NATIONAL
FOREST
ENTRY/ACTIVITY
PERMIT**

USDA – Forest Service
Southwestern Region
R3-5100-21 (5-03)

Permittee:		This National Forest, or portions thereof, are restricted or closed to public entry because of extreme fire danger. Persons whose business requires them to enter, may be issued an entry/activity permit. The permittee is responsible for preventing fires and for reporting any fire he discovers. This permit is non-transferable.
Address:		
Auto License	Telephone:	
Destination(s):		The permittee may not smoke, use any fire or internal-combustion engine-driven vehicles or equipment while within this National Forest during the permit period except as provided in the conditions as stated below.
Route of Travel: (to and from)		
Purpose of visit:		I hereby agree to the terms and conditions of this permit and will require all those in my party to do the same. Permittee: _____ Issued By: _____ Title: _____
Permit valid from:	to: 20____	
Forest:	District:	

Conditions of this permit (vehicle and equipment use and inspection, fire tools required, spark arresters/mufflers, smoking and fire restrictions, watchmen, patrolmen, etc.)

The permittee is responsible for all other persons, employees, agents or contractors authorized to enter under this permit, if any (use separate sheet if needed).

Name: _____
Name: _____

Address: _____
Address: _____

Relationship: _____
Relationship _____

The permittee, his/her party, employees, agents and persons under contract to him/her must comply with the terms of this permit. Violation of these regulations is punishable as a Class B misdemeanor, by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than six (6) months or both. 16 USC § 551, and 18 USC §§ 3559 and 3571.

This permit may be terminated at the discretion of the District Ranger