

Appendix E: Sample Restrictions Order

Example Order—Stage I BLM and FS

FIRE RESTRICTION AND PREVENTION ORDER

San Luis Valley Public Lands Center

Interagency Fire Prevention Order Number IA 04 01

Pursuant to 36 § CFR 261.50(a) and (b), 36 § CFR § 261.52 and/or 43 § CFR 9212.2 (a) and (b), the following acts are prohibited on all federal lands administered by the San Luis Valley Public Lands Center in the following counties within the State of Colorado: Saguache, Rio Grande, Mineral, Hinsdale, Conejos, Costilla, Custer, Alamosa, San Juan, and Archuleta; and on federal lands administered by the Bureau of Land Management, Del Norte, La Jara and Saguache Field Offices in the following counties within the State Colorado: Alamosa, Conejos, Saguache and Rio Grande (the “restricted area”). The restricted area is depicted on the map which is hereby attached as, and incorporated into, this Order as Exhibit 1.

It is prohibited on the restricted area to:

- (1) Build, maintain, attend or use a fire, campfire, coal, charcoal or wood burning stove.
36 CFR § 261.52(a), and 43 CFR § 9212.1 (h).

EXCEPTION:

- In Bureau of Land Management or Forest Service developed campground or picnic ground with established fires grates or grills.
- Petroleum fueled, bottled or liquid gas stoves, lanterns, or heating devices may be used provided such devices meet the fire underwriter’s specifications for safety.

- (2) Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three (3) feet in diameter that is barren or cleared of all flammable material. **36 CFR § 261.52(d) and 43 CFR 9212.1 (h)**
- (3) Using explosive material: (ie: fireworks, blasting caps or any incendiary device which may result in the ignition of flammable material.). **36 CFR 261.52B and 43 CFR 9212.1 (h)**

- (4) Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either USDA Forest Service Standard 5100-1a (as amended); or appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). **36 CFR § 261.52(j) and 43 CFR § 9212.1(h).**

Pursuant to 36 CFR § 261.50(e) and 43 CFR § 9212.2 (b) (3), the following persons are exempt from this order:

- (1) Persons with a permit specifically authorizing the otherwise prohibited act or omission.
- (2) Resident owners and lessees of land within the restricted area are exempt from number 1 above, provided such fires are within a residence.
- (3) Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- (4) Any other person meeting exemption requirements specified in this Order.

These prohibited acts are implemented for public safety purposes under high fire hazard conditions on the restricted area.

This order will be effective at 8 a.m. on June 18, 2004, and remain in effect until December 31, 2004 or rescinded, whichever comes first.

Done at Monte Vista, Colorado:

_____ Date _____

Forest Supervisor/Center Manager
San Luis Valley Public Lands Center

Violation of Title 36 Code of Federal Regulations (“36 CFR”) prohibitions are punishable as a Class B misdemeanor, by a fine of not more than \$5,000 for an individual or \$10,000 for a legal entity other than an individual, or imprisonment for not more than six (6) months, or both (16 USC § 551 and 18 USC § 3571). Violations of Title 43 Code of Federal Regulations (43 CFR, Part 9212.1) are subject to a fine of not more than \$100,000 or to imprisonment of not more than 12 months, or both. Additional fines may apply under 18 USC 3571.

Example Order—Stage II BLM and FS

ORDER
STAGE II FIRE RESTRICTIONS
San Luis Valley Public Lands Center
Interagency Fire Prevention Order Number IA 02 01

Pursuant to 36 CFR §261.50(a), 36 CFR § 261.50(b), and/or 43 CFR § 9212.2(a), the following acts are prohibited on all federal lands administered by the San Luis Valley Public Lands Center in the following counties within the State of Colorado: Saguache, Rio Grande, Mineral, Hinsdale, Conejos, Costilla, Custer, Alamosa, San Juan, and Archuleta; and on federal lands administered by the Bureau of Land Management, Del Norte, La Jara and Saguache Field Offices in the following counties within the State Colorado: Alamosa, Conejos, Saguache and Rio Grande (the “restricted area”). The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

FIRE RESTRICTIONS:

The following activities and uses are **PROHIBITED** within the restricted area:

1. Building, maintaining, attending or using a fire, campfire; or stove fire. 36 CFR § 261.52(a), and 43 CFR § 9212.1(h);
2. Camping 36 CFR § 261.58(3) and 43 CFR § 9212.1(h);

Exemptions: Camping is only allowed in a BLM or National Forest developed campground. Campers in BLM or National Forest developed campgrounds are not prohibited from using bottled propane or battery powered stoves, heating devices, or lanterns.).

3. Smoking, except within an enclosed vehicle or building. 36 CFR § 261.52(d) and 43 CFR § 9212.1(h);
4. Possessing, discharging or using any kind of firework or other pyrotechnic device. 36 CFR § 261.52(f) and 43 CFR § 9212.1(b);
5. Welding, or operating acetylene or other torch with open flame. 36 CFR 261.52(i) and 43 CFR 9212.1(h);
6. Using an explosive. 36 CFR § 261.52 (b) and 43 CFR § 9212.1(h);

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

- ☐ USDA Forest Service Standard 5100-1a (as amended); or
- ☐ Appropriate Society of Automotive Engineers (SAE) recommended practice J335 (b) and J350 (a). 36 CFR § 261.52(j) and 43 CFR § 9212.1(h);

8. Possessing or using any motorized vehicle off of designated BLM or National Forest system roads, 36 CFR § 261.56 and 43 CFR 9212.1(h).

Exemption: Parking a motorized vehicle off designated BLM roads or National Forest system roads in the restricted area is allowed, but only if the parking area is devoid of vegetation and is no more than 10 feet from the edge of the roadway.

9. Possessing or using any motorized vehicle off BLM motorized trails. 43 CFR § 9212.1(h).

Exemption: Parking a motorized vehicle off BLM motorized trails in the restricted area is allowed, but only if the parking area is devoid of vegetation and is no more than 10 feet from the edge of the roadway.

Operating or using a chainsaw or a non-vehicular internal combustion engine without taking the following fire prevention precautions:

1. Operating a non-vehicular internal combustion engine or chain saw is only authorized between the hours of 5:00 a.m. and 11:00 a.m., and with a current fuel wood permit, special use authorization, or contract, and
2. The following fire prevention tools must be present:

- ☐ A chemical pressurized fire extinguisher of not less than 8 ounces capacity by weight, which shall be with the operator at all times; and
- ☐ One large round-pointed shovel with an overall length of at least 48 inches. The shovel may be kept with the fueling supplies, but must be readily available for use.

Pursuant to 36 CFR § 261.50(e) and 43 CFR § 9212.2(b)(3) the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission;
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty; and
3. Any other person meeting exemption requirements specified in this Order.

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

This order will be effective at 12:00 a.m. on _____, 2002, and remain in effect until rescinded, or until _____, 2002, which ever occurs first.

Done at Monte Vista, Colorado

_____ *Date*

Forest Supervisor
Rio Grande National Forest

Violation of Title 36 Code of Federal Regulations (“36 CFR”) prohibitions are punishable as a Class B misdemeanor, by a fine of not more than \$5,000 for an individual or \$10,000 for a legal entity other than an individual, or imprisonment for not more than six (6) months, or both (16 USC § 551 and 18 USC § 3571). Violations of **43 CFR § Part 9210** prohibitions are punishable by a fine of not more than \$5,000 and/or up to 12 months imprisonment, or both. 43 CFR § 9214.4.

Example Order—Stage III

Order

Number: _____

**ORDER
EMERGENCY FIRE CLOSURE (STAGE III)
San Luis Valley Public Lands Center**

Pursuant to 36 CFR § 261.50(a), and 36 CFR § 261.50(b), the following acts are prohibited on all federal lands administered by the San Luis Valley Public Lands Center in the following counties within the State of Colorado: Saguache, Rio Grande, Mineral, Hinsdale, Conejos, Costilla, Custer, Alamosa, San Juan, and Archuleta; and on federal lands administered by the Bureau of Land Management, Del Norte, La Jara and Saguache Field Offices in the following counties within the State Colorado: Alamosa, Conejos, Saguache and Rio Grande (the “restricted area”). The restricted area is depicted on the attached map, hereby incorporated into this Order as Exhibit A.

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 specifically authorizing the prohibited act or omission.
2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance of an official duty.
3. Resident owners and lessees of land within the restricted area.

[Short and succinct reason for closure.]

This order becomes effective at _____, [**time, date**] and will remain in force until rescinded or until _____, 2002, which ever occurs first.

Done at _____, _____, [**city, state**] this ____ day of _____ 2002.

Forest Supervisor/Center Manager
San Luis Valley Public Lands Center

Violations 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.