

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Montana State Office

5001 Southgate Drive

Billings, Montana 59101-4669

www.blm.gov/mt

In Reply Refer To:
9212 (MT933)

ORDER NUMBER MT-MT933-16-01

June 22, 2016

Fire Prevention Order

**Montana/Dakota's State Office
Bureau of Land Management
Department of the Interior**

In accordance with the Federal Land Policy and Management Act, 43 U.S.C. §§ 1701 *et seq.*, and pursuant to 43 C.F.R. § 9212.0-6, it is the policy of the Bureau of Land Management to take all necessary actions to protect human life, the public lands, resources, and improvements thereon through the prevention of wildfires, while also supplementing and supporting State and local wildfire prevention actions.

State and Local Laws

In the interest of wildfire prevention, public safety, and in compliance with 43 C.F.R. § 9212.0-6 requiring BLM actions to complement and support State and local wildfire prevention, all State and local wildfire prevention laws and regulations will apply to all Bureau of Land Management lands within the states of Montana, North Dakota, and South Dakota.

Acts Restricted by Year Round Fire Prevention Order

Pursuant to 43 C.F.R. § 9212.1 and § 9212.2, on all public lands administered by the Bureau of Land Management within the states of Montana, North Dakota, and South Dakota, unless otherwise authorized in writing, it is prohibited to:

- Cause a fire, other than a campfire, or the industrial flaring of gas, to be ignited by any source;
- Fire a tracer or incendiary device;
- Burn timber, trees, slash, brush, tundra, or grass except as used in campfires;
- Leave a fire without extinguishing it, except to report it if it has spread beyond control;
- Build, attend, maintain or use a campfire without removing all flammable material from around the campfire adequate to prevent its escape;
- Resist or interfere with the efforts of firefighters(s) to extinguish a fire;
- Enter an area which is closed by a fire prevention order;
- Discharge, use, or possess any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including but not limited to, any pyrotechnics, fireworks, or exploding targets;

- Discard any item that is smoldering or has open flame attached to it, including, but not limited to, smoking materials, cigarettes, luminaries, wish lanterns, or any unmanned balloons using fire underneath for propulsion;
- Burn or cause to burn any wire, magnesium, or any other hazardous materials; or
- Operate any internal combustion engine without a properly installed spark arrester. This includes, but is not limited to; chainsaws, generators, pumps, mowers, and heavy equipment; or
- Operate any off-highway vehicle unless the vehicle is equipped with a properly installed spark arrester as described in 43 C.F.R. § 8343.1. (Note: A spark arrester is not required when an off-road vehicle is being operated in an area which has three (3) or more inches of snow on the ground.)

Penalty

Any person who violates any of these supplementary rules may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.0-7, or both. In accordance with 43 CFR 8365.1-7, State or local officials may also impose penalties for violations of State Law.

Effective Dates

This Fire Prevention Order will remain in effect from June 25, 2016 until rescinded by the authorized officer.

Signed by:
Jon K. Raby
for Jamie E. Connell
State Director

Authenticated by:
Deborah Jackson
Staff Assistant (MT933)