

Order Number: # 01-11-84-24-01



**U.S. Department of Agriculture, U.S. Forest Service
Custer Gallatin National Forest**

Emergency Stage 1 Fire Restrictions

PROHIBITIONS

Pursuant to 16 U.S.C § 551 and 36 C.F.R § 261.50(a), the following are prohibited on all National Forest System lands (NFS) within the Ashland Ranger District, Custer Gallatin National Forest, Powder River and Rosebud County, MT, as described below and depicted on the attached map incorporated into this Order as Exhibit A (the "Described Area"):

1. Building, maintaining, or using a fire, including charcoal and briquettes outside a metal fire ring that is provided by the Forest Service within a designated area as defined in Exhibit B. 36 C.F.R. § 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 (3) feet in diameter that is barren or cleared of all flammable material. 36 C.F.R. § 261.52(d).

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Persons using a device solely fueled by liquid petroleum or LPG fuels that can be turned on and off. Such devices can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the device.
2. Persons using a stove fire in a designated area as defined in Exhibit B.
3. Any Federal, State, or Local officer, or member of an organized rescue or firefighting resource in the performance of an official duty.

4. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order), specifically exempting them from this Order or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 251.50(e)(1) or (2).

DESCRIBED AREA

All National Forest System lands, roads and trails within the exterior boundaries of the Custer Gallatin National Forest, Ashland Ranger District as depicted on the attached map at Exhibit A. The prohibitions do not apply to any non-National Forest System lands within the Described Area.

PURPOSE

The purpose of this Order is to provide for the public's health and safety and to protect National Forest System lands, resources, and facilities during the current period of high fire danger. An emergency exists due to the fire danger, indices, and extreme weather conditions. These factors have created an environment in which ignitions from human-caused activities can occur at a much higher rate than normal. Further, wildfires from such ignitions have the propensity to spread extremely quickly, presenting a significant risk to the public, as well as substantial obstacles to firefighters in the implementation of wildfire suppression strategies.

IMPLEMENTATION

1. This order shall be in effect from Thursday, August 01, 2024, at 00:01 am through September 30, 2024, at midnight, unless rescinded.
2. A map identifying the Described Area is attached and made part of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to <https://www.fs.usda.gov/alerts/custergallatin/alerts-notices> .
3. A list of "Definitions" is attached and made a part of this Order as Exhibit B.
4. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined

by their plain language definitions.

5. A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
6. Contact the Ashland Ranger District, (406) 784-2344 and at the Custer Gallatin National Forest Supervisor's Office in Bozeman, MT, (406) 587-6701 for more information about this Order.
7. This Order supersedes any previous Orders prohibiting the same or similar acts in the same Described Area.

Signed and issued on August 1 , 2024.

Kathleen Minor
Acting Forest Supervisor
Custer Gallatin National Forest

EXHIBIT B
EMERGENCY STAGE 1 FIRE RESTRICTIONS

DEFINITIONS:

DESIGNATED AREA: Developed recreation sites such as campgrounds and picnic areas that are maintained and administered by the Forest Service, shown on the current Forest visitor maps, and are equipped with permanent fire structures.

FIRE STRUCTURE: A permanent metal or concrete structure, which is specially designed for the purpose of containing a campfire or cooking fire that has been installed and maintained by the Forest Service or equivalent.

STOVE FIRE: A fire built inside a fully enclosed metal stove, grill, or sheep herder type stove, which is outfitted with a chimney that is at least (5) feet in length and is equipped with a spark arrestor consisting of a mesh screen opening of $\frac{1}{4}$ inch or less. For further definitions or clarification of definitions refer to 36 C.F.R § 261.2.