

## **FREQUENTLY ASKED QUESTIONS ABOUT FIRE RESTRICTIONS**

Fire restrictions and closures are invoked on state, federal, tribal trust and private lands under federal and state laws and are implemented by the appropriate land agency. Note that the answers can be different depending on which state you are in. Unless otherwise stated the answer below applies to all federal, state and private land.

### **General**

1. Private land that is classified as forested is under restriction when the DNRC is under restrictions. How do I find out if my land is classified as forested?

- **Montana** – Montana Law defines forestland as land that has enough timber, standing or down, slash, or brush to constitute in the judgment of the department a fire menace to life or property. Grassland and agricultural areas are included when those areas are intermingled with or contiguous to and no further than one-half mile from areas of forestland. Your tax statement has this information about your land. If you cannot access your statement, check with your local unit office.

2. How do I know what a designated road or trail is?

- Call the local land management agency where you would like to go. They can advise you and furnish maps of trails that are open for use.

3. Do these restrictions apply to towns and/or private property?

- **Montana** - Many cities and towns also adopt the restrictions, and would therefore cover those areas inside their jurisdiction. County and city government may also impose further restrictions on private, city, or county-owned lands. These can be even more prohibitive than what is issued by the state and federal agencies.

4. Do these restrictions apply to valley bottom areas?

- **Montana** - When local government adopts fire restrictions, they generally apply to those areas outside of state and federal jurisdictions. This would include valley bottom areas.

### **Violations/Penalties**

5. If I conduct an activity that is restricted, can I be fined?

- Yes. The amounts may differ depending on the agency with authority in that area.
  - **Montana** State Law allows for a fine of up to six months in jail and \$500. If on federal land, you can be fined up to \$5,000 and up to six months in jail.

6. Can I be held liable if I start a fire?

- Yes. You could be responsible for paying some or even all of the costs that it took to put the fire out. Check with the appropriate agency on specific regulations.

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7. If we don't know about the restrictions and/or they change can we be held responsible?

- Yes. It is your responsibility to know this type of information when you plan your activities.

### Campfires

8. Where is a designated campground that I can camp in and have a fire?

- In Stage I, to find a designated campsite, contact your land management agency about specific areas you would like to go.
- **If we are in Stage II restrictions, campfires are prohibited.**

10. It is cool and damp in the meadow (or beside the stream) where I camp; even though we have Stage II restrictions, why can't I have a campfire?

- Making exceptions to allow campfires for individual recreation groups is impractical over such a large area of land. That is why restrictions are made for a general, across the board application asking all users to sacrifice in the interest of everyone.

12. Why can't I have a campfire when it is okay for farmers to burn fields and ditches?

- **Montana** - Since most agricultural land is not classified forested land, it will fall under the jurisdiction of the counties. Each county has their own regulations when it comes to allowing or exempting agricultural operations.

13. Will the restrictions lift before hunting season? If not, can I have a warming fire if it is early in the morning when the humidity is higher and there is dew on the grass?

- The restrictions can continue into the hunting season until the area receives enough moisture to ensure that wildfire starts will be at a minimum. Hunters need to check for restrictions in the area they plan to be, and adhere to those restrictions accordingly. If restrictions are still in place you are not allowed to have a warming fire under any conditions

### Barbeques/Cooking/Heating

14. Can I use BBQ briquettes to cook?

- **Montana** - Briquettes are treated exactly like a campfire, and fall under the same restrictions for campfires.

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

- Under Stage I restrictions, this may be okay. Check with the appropriate land management agency. **This would be restricted during Stage II.**

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

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

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**18.** Is it okay to use a portable, propane campfire during Stage II restrictions?

- Propane devices are allowed during both Stage I and Stage II restrictions. Propane campfires emit open flames and can only be used in an area that is barren or cleared of all overhead and surrounding flammable materials within three feet of the device. Remember that you may be held liable if you start a wildfire. The key idea here is: if the stove can be turned on or off immediately, it is typically allowed.

### Camp Stoves

**19.** Can I use an enclosed wood burning camp stove in my hard-sided tent, wall tent, or camper?

- These are not allowed under either Stage I or Stage II restrictions. Such use is considered the same as a campfire and is prohibited during Stage II except under a special-use permit or a specific exemption to the order. The same goes for areas outside the wilderness. Such potential sources of sparks or persistent hot material can smolder and start up again. Stoves that burn liquid petroleum or gas are okay.

**20.** During Stage II restrictions, can I use an enclosed wood or shepherder stove with chimney screen in the Wilderness? What about outside of the wilderness?

- Only the Forest Service has designated wilderness. Such use is considered the same as a campfire and is prohibited during Stage II except under a special-use permit. The same goes for areas outside the wilderness.

**21.** Can people have fires in their wood stove or fireplace at home or in their recreation cabin?

- **Montana** - Yes. However, the law requires spark arrestors or screens over stovepipes or chimneys to catch that first flush of sparks going up the chimney from the paper and kindling used to start the fire. **TIP:** Make sure the roof is free of any needles or leaves. Using an alternate heat source such as liquid petroleum or gas would be another option.

**22.** Are camp stoves allowed in a soft-sided tent?

- No. A soft-sided tent is not considered a sound structure, and is too flammable for the use of such devices.

### Miscellaneous

**23.** Can I ride a horse with shoes?

- Yes. It is possible for horseshoes striking rocks to create sparks. However, the possibility of starting a fire is remote. Horseback riding is not a risky activity from the standpoint of starting a fire and is not restricted. **TIP:** We suggest that horses with shoes be ridden on designated roads and trails in most cases.

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### 24. Can I shoot guns?

- Shooting is not an activity that is subject to Stage I or II restriction, and is therefore not restricted. However, when conditions are extreme, any activity that has the potential to start a fire should be performed with caution. In the past, fires have been started because of firing range/firearm use.
- Exploding targets and explosives are always prohibited on National Forest lands even when we are not in restrictions.

### 25. During Stage II restrictions, do I have to be out of the forest by 1300?

- No. Only those acts that are prohibited under Stage II restrictions need to be adhered to. Continue to enjoy the forest, and help us keep the area safe from wildfire by reporting any fires you see to the appropriate agency or by calling 911.

### 26. How long are these restrictions going to last?

- All decisions are based on fire activity, weather, fuel conditions and various other factors. The restrictions will typically remain in place until a significant change in the weather results in a marked reduction in fire activity and fire danger.

### 27. How much rain do we need to have before you lift the restrictions?

- Significant and widespread rainfall will be necessary. A quick thunderstorm won't do the job long term. Duration, quantity, and expected weather beyond any rain all factor into the decision by fire agencies as to when restrictions can be lifted.

### 28. When are you going to shut down the woods or close areas?

- We intend to implement closures only when necessary, and affect the smallest areas for the shortest amount of time. There are a number of factors that figure into any decision to implement a closure. Number one consideration is public safety and agency firefighter safety. The number of active fires and resources already committed is also a factor, as are, of course, the current and expected weather and fuel moisture conditions.

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

- **Montana –**
  - Stage II: No. Items not solely fueled by liquid petroleum or LPG are not allowed during Stage II restrictions.

### **Internal Combustion Equipment**

31. Can I use a generator at a dispersed or unimproved campsite?
- **Stage I and Stage II:** Generators are ok to use during Stage I and Stage II restrictions. Generators must have approved spark arrestors and be used within an enclosed vehicle or building or in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the generator.
32. Can I use an electric chain saw?
- **Stage I and Stage II:** Electric chainsaws are ok to use during Stage I and Stage II restrictions. Chainsaws must be used in an area that is barren or cleared of all overhead and surrounding flammable materials within 3 feet of the saw.
33. Can I mow the lawn and use my weed eater?
- **Stage I:** This is certainly acceptable. **TIP:** Be cautious of mowing directly adjacent to dry grass and weed areas, and be especially careful when you are refueling. Be conscious of the direction the muffler on your mower is pointed; have a garden hose that can reach the area; and check the area when you are done mowing before you go back in the house.
  - **Stage II:** You must follow the requirements of internal combustion engines. In any case, it is best to mow the lawn in the morning, when it is cooler outside and the humidity is up.
34. What about mowing dry weeds with power mowers for fuel reduction around my home?
- The same answer would apply as in the above question. This activity is allowed under Stage I restrictions, but under Stage II, you must follow the restriction requirements for internal combustion engines.
35. Can I ride my ATV or motorbike during restrictions?
- **Yes, but only on designated roads or trails.**
  - **Stage II: On private land motorized vehicles are prohibited off designated roads and trails from 1 p.m. to 1 a.m.**
36. How do I find out what trails are designated and, therefore, okay to take my motorbike on?
- Call the local land management agency where you desire to recreate. They should be able to advise you and furnish maps of trails that are safe and open for use. **TIP:** If they advise that fuel conditions in that area are hazardous, we recommend avoiding use at this time even if it is legally open. Remember, if a fire starts from your equipment, you are liable.
37. Does my ATV, motorbike, or even my chainsaw have to have an approved spark arrestor? If so, where can I get one?
- Yes. Any internal combustion engine used on forest roads and trails must have an appropriate and properly maintained spark arrestor, regardless of whether

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restrictions are in place. If it does not have a spark arrestor, contact your equipment dealer on obtaining the appropriate device.

### 38. What if I am going on a national forest road for a drive in the woods?

- You can drive on a designated road during Stage I or II restrictions **TIP:** The undercarriage of your vehicle can get extremely hot and start a fire if driving over dry grass. Never park in tall, dry vegetation. If you see a fire, report it to the appropriate agency or call 911.

### 39. Can I use my boat on the lake?

- Yes, you can use your boat on the lake.

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

#### 40. After cutting wood, do I have to stay one or two hours when I have finished?

- You are required to be on a “patrol” (see definitions) in the area where you were working for 1 hour after you finish the activity, regardless of the time you finish.

#### 41. If I stop working at 1:00 p.m., do I have to stay past that time?

- Yes. You must stay on site and patrol the area for 1 hour.

#### 42. How about if I finish early, say 10:00 a.m., do I need to stay until 1:00 p.m.?

- No. All that is required is the patrol for one hour past the time you finish the activity.

### **Construction/Agriculture/Commercial Activities**

*It is important for folks to know that on private ground, they need to make sure their county hasn't proclaimed some of the activity in this section to be illegal during Stage I or Stage II restrictions, County Burn Bans, or County Fire Seasons.*

#### 43. House construction and other developments - do they have to comply with hoot owl restrictions? Can internal combustion equipment (generators, saws, etc.) be used between 1300 and 0100 while constructing buildings?

- **Montana & Idaho** - In the past the State has allowed this type of construction work to continue after 1300 if the site prep work was done i.e. the foundation was dug. Normally this indicates that the building site is cleared of grass, brush etc. and the work is being done on bare soil.

#### 44. Can well drillers drill between 1300 and 0100 if they are not welding pipe? Do they need a permit?

- Generally, well drilling is allowed as long as other Stage II restrictions (not driving off designated roads, smoking, etc.) are observed. If the drilling rig is on a designated road or if you are operating on an area that has been cleared to mineral soil, you are okay. Some jurisdictions may require a permit – others may not. Check with your local jurisdiction. **TIP:** Spark arrestor regulations apply, and, depending on the extent of the cleared area, tools and/or water spraying equipment on site may be advisable.

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### 45. Can I load logs after 1300? (1:00 pm)

- Generally yes, but this depends on what jurisdiction you are working from. You must comply with the regulations your land management agency imposes. Each agency may have different regulations when it comes to log loading, so it is best to contact them before you decide to load after 1300. Remember that you still must patrol for 1 hour (See question #38) after all activity has ceased.

### 46. Under Stage II restrictions, can hay or other crops be harvested using internal combustion engine equipment? Can we bale or cut hay after 1300?

- **Montana** - Since most agricultural land is not classified forested land, it will fall under the jurisdiction of the counties. Each county has their own regulations when it comes to allowing or exempting agricultural operations. If the harvesting is in an area classified as forested land, the restrictions do apply and an exemption would be required. **TIP:** Non-essential use of internal combustion engines in dry fuels is not advisable. Additional precautions can be taken such as having water and tools available and timing operations to avoid the afternoon/evening hot and dry times or windy conditions.
- **Idaho** - Croplands are exempt from state fire restrictions.

### 47. Can I drive my automobile through my stubble field when we are in restrictions? Can I use my ATV off road to check on my livestock?

- **Montana** - This is allowed when in Stage I restrictions. However, driving off road is restricted under Stage II for land classified as forested. All internal combustion engines should be equipped with an appropriate and properly maintained muffler or spark arrestor. Even then, direct contact of the muffler or catalytic converter with dry grass can start a fire. **TIP:** Driving across a stubble field on non-forested farmland should be done with caution or avoided, especially in the afternoon or evening hours. Landowners should know how their land is classified. County proclamations may also put restrictions on private lands, including those classified as non-forested.

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

- Under Stage I restrictions, yes, but not under Stage II restrictions. If routine maintenance is going to prevent an emergency situation, work can be done after 1300. If the maintenance can be scheduled earlier and stopped at 1300, that is preferred. Standing emergency exemptions apply for utilities and railroads. Even then, there are certain restrictions the companies must adhere to.

### 49. How can I get an exemption from these restrictions?

- If you believe your activity is valid to obtain an exemption, the agency having jurisdiction can provide an exemption document for you. Contact that agency for further guidance.

## DEFINITIONS

**Campfire:** A fire, not within any building, mobile home, or living accommodation mounted on a vehicle, which is used for cooking, branding, personal warmth, lighting, ceremonial, or aesthetic purposes. Campfires are open fires, usually built on the ground, from native fuels or charcoal,

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including charcoal grills.

Per Montana Forest Fire Rules and Regulations dated January, 2006:

A **Campfire** means a fire set for cooking, warming, or ceremonial purposes; not more than 3 feet in diameter or height; void of overhanging branches; with all combustible material cleared at least 1-1/2 times the diameter of the fire; or a barbecue in a non-combustible container.

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

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

**Designated Campsite:** Those campsites that are identified to the public by land management agencies.

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

**Elevated Fire Ring Device:** A barbecue or grill usually supported by a stand so that it does not have direct contact to the ground.

**Exemption:** Authorization allowing an otherwise prohibited act or omission.

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

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

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

**Patrol:** One or more people who will walk through a work area checking for and reporting fires discovered in the vicinity.

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

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

**Restriction:** A limitation on an activity or use.