

ORDER

FIRE REGULATIONS

USDA - FOREST SERVICE

BLACK HILLS NATIONAL FOREST

Pursuant to 36 CFR 261.50 (a) and (b), the following acts are prohibited within the Black Hills National Forest, until rescinded.

BUILDING, MAINTAINING, ATTENDING OR USING A FIRE OR CAMPFIRE.  
36 CFR 261.52(a)

VIOLATING STATE LAW PURSUANT TO SOUTH DAKOTA STATUTES 34-35-15, (16),  
AND (17). (No open fires in the Black Hills Fire Protection District)  
36 CFR 261.52(K)

Pursuant to 36 CFR 261.50(e), the following are EXEMPT from the order:

1. Any person(s) or group with a permit or written permission specifically authorizing this prohibited act.
2. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.

Done at Custer, South Dakota, this 22 day of JULY 1997.

/s/ John C. Twiss  
JOHN C. TWISS  
Forest Supervisor

Violation of this prohibition is punishable by a fine of not more than \$5000 or imprisonment for not more than six (6) months or both. Title 16 USC, Section 551.

**JUSTIFICATION**

The Black Hills National Forest has a very volatile wildfire profile due to the ponderosa pine fuel type and unique weather phenomena. This fact has prompted the State to enact legislation prohibiting open fires within an area designated as the Black Hills Fire Protection District. Forest resources have benefited through the protection afforded by this prohibition.

DATE: APRIL 29, 1997

SUBPART B ORDER  
REQUEST JUSTIFICATION FORM  
ORDER NUMBER: BHNF-97-183

SUBMIT THE FOLLOWING INFORMATION:

1. STATE THE DESIRED ACT: To effectively deter unauthorized campfires by having the authority to issue citations to individuals who are "ATTENDING" any prohibited fire.
2. REASON FOR THE ORDER: The Black Hills National Forest has increasingly become a popular party location for minors and young adults. When these groups gather, unauthorized fires are built and abandoned without extinguishing properly. Because of this, forest fires occur from illegally built campfires resulting in thousands of dollars in fire suppression costs. In addition, unauthorized campfires tend to invite vandalism, littering, and other resource damage on the Forest. This fire order is necessary to give FPO and LE&I personnel the authority to take legal action against anyone "ATTENDING" an unauthorized fire built on the Black Hills National Forest.
3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? Yes.  
DESCRIBE: In the past, Forest Service assistance in enforcement of the state prohibition was limited to action under 36 CFR 261.2(k) directed only at those who started the campfire. The addition of 36 CFR 261.52(a) will permit Forest Service LEO's to take action in those situations where the individual who started the fire is unknown, left the scene or cannot be identified. With this order, those individuals who are present at the campfire can be held responsible based on their attending and or maintaining the open fire.
4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: Until Rescinded.
5. LIST THOSE EXEMPT FROM THE ORDER: See Order.
6. HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED? Yes.  
Who will enforce the order? FPO's and LE&I personnel.  
Who will ensure proper signing? Recreation and LE&I personnel.
7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT? Yes.
8. HAS PUBLIC BEEN NOTIFIED: Yes, through previous policies.

9. COMPLETE THE ORDER USING THIS CHECKLIST. When complete, forward the original request to the SO, Attn.: Law Enforcement. The request will be routed to the appropriate staff officer, Public Information Officer, and Forest Supervisor.

Reviewed: \_\_\_\_\_  
District Ranger, CU/EM Date

Reviewed: \_\_\_\_\_  
District Ranger, PA/HA Date

Reviewed: \_\_\_\_\_  
District Ranger, SP/NE Date

Reviewed: \_\_\_\_\_  
District Ranger, BL Date

Reviewed: \_\_\_\_\_  
So. Zone Law Enforcement Officer Date

Reviewed: \_\_\_\_\_  
No. Zone Law Enforcement Officer Date

Reviewed: \_\_\_\_\_  
Supervisory LEO Date

Reviewed: \_\_\_\_\_  
Public Information Officer Date

Reviewed: \_\_\_\_\_  
Forest Staff Officer Date