

FOREST ORDER

**USDA FOREST SERVICE
GUNNISON NATIONAL FOREST
GUNNISON AND PAONIA RANGER DISTRICTS**

STAGE 1 FIRE RESTRICTIONS

Pursuant to 16 United States Code (U.S.C.) §551 and 36 Code of Federal Regulations (C.F.R.) § 261.50(a) and (b), the following acts are prohibited on all National Forest System lands within the **Gunnison National Forest** in the State of Colorado and on all roads and trails located within the Restricted Area.

The purpose of this order is to protect public health and safety due to the current and anticipated elevated risk of wildfire.

PROHIBITIONS:

- 1) Building, maintaining, attending, or using a fire, campfire, or stove fire. 36 CFR § 261.52(a). This includes barbecues and grills.

EXCEPT: Building, maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites and the use of portable stoves, lanterns using gas, jellied petroleum, pressurized liquid fuel or a fully enclosed (shepherd type) stove with a ¼" spark arrester type screen is permitted.

- 2) Smoking, except in an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials. 36 CFR § 261.52(d).
- 3) Operating a chainsaw without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher with a minimum rating of 2A kept with the operator, and one round point shovel with an overall length of at least 35 inches readily available for use. 36 CFR § 261.52(h).
- 4) Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet in diameter and in possession of a chemical pressurized fire extinguisher with a minimum rating of at least 2A. 36 CFR § 261.52(i).
- 5) Using an explosive. 36 CFR § 261.52 (b).

EXEMPTIONS:

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

- 1) Persons with a valid Forest Service permit or contract specifically authorizing the otherwise prohibited act or omission may be eligible for an exemption from Prohibitions #1, #3, #4, and #5. Any exemption must be applied for in writing, include an appropriate mitigation plan and must be authorized in writing by the appropriate Forest Service official. The authorization must be in the physical possession of the person or persons undertaking the exempted activities.
- 2) Any federal, state or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty is exempt from Prohibitions #1, #3, #4, and #5

Notice regarding Exemptions: Holders of valid Forest Service permits, leases and authorizations and all other persons are on notice that when proceeding with activities that are authorized pursuant to these Exemptions, such persons are responsible for conducting authorized activities in a safe and prudent manner using extra precautions and are electing to proceed at their own risk. An exemption does not absolve an individual or organization from liability or responsibility for damage, injury or loss to the United States for any fire started while undertaking the exempted activity.

This Order shall take effect at 12:01 a.m. on July 10, 2020, and will remain in effect until November 1, 2020, or until rescinded, whichever event occurs first.

Executed in Delta, Colorado this day of 8th day of July 2020



Chad Stewart
Forest Supervisor
Grand Mesa, Uncompahgre and Gunnison National Forests

Violation of these prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for more than six months, or both 16 U.S.C. § 551 and 18 USC §§ 3559 and 3571.

Assessment of Need

Purpose of Order

The intent of this Order is to prohibit the public from igniting, building, maintaining, or using a fire, including charcoal and briquettes, outside a fire structure that is provided by the Forest Service within a designated area, and to prohibit smoking outside an enclosed vehicle or building. Due to high risk fire conditions, the aforementioned activities will be prohibited within the Gunnison National Forest boundaries until November 1, 2020, unless the order is rescinded sooner. The issue will be examined further in the upcoming months to assure the reduced risk of human-caused wildfires during periods of high fire danger and severe fire weather conditions.

Enforcement Plan

Scope of Order

- The Restricted Area is depicted on the map and hereby attached and incorporated into this Order as Exhibit A.

Posting

- As required by 36 CFR 261.51, the Special Order will be available to the public at the following locations:
 - Supervisors Office, GMUG National Forests - Delta, Colorado
 - Gunnison Ranger District – Gunnison, Colorado
 - Paonia Ranger District – Paonia, Colorado
- Copies of the Order will also be posted on the Forest website and at access points to the Restricted Areas.

Coordination with Other Agencies

- The Forest Service is working with the applicable County Sherriff's Office and the State of Colorado about restrictions and will request assistance as needed.

Patrol Activities

- Forest Protection Officers (FPOs) and/or Law Enforcement Officers (LEOs) will patrol on a regular basis to ensure that posting of the order is adequate, maintained and is being complied with. Patrolling of the areas will take place anytime of the day Sunday through Saturday.
- No set schedule for patrolling is anticipated, and patrolling will take place anytime of the day Sunday through Saturday. Patrolling will be concentrated during the high use hunting season.

Enforcement Strategies

- Emphasis will be placed on educating the public of the restrictions in the hope of avoiding violations. Posting of the Order and maps at access points to the Restricted Road will be inspected periodically by Forest Service employees.
- Violators will be advised of the restrictions and the actions needed to come into compliance. A Violation Notice or Warning Notice may be written to the Violator subject to the discretion of the FPO or LEO.

Access

- District personnel will patrol access into the area during routine patrols and while carrying these other activities.

Persons Authorized to be in the Closed Area.

- This order exempts:
 - Employees, contractors and subcontractors with a permit specifically authorizing the otherwise prohibited act or omission.
 - Any Federal, State, or local official, or member of an organized rescue or firefighting force in the performance of an official duty.

Media Access

- This order will not adversely impact the media.

Civil Rights Impact Analysis

Introduction

- The exception to these restrictions are persons with a permit specifically authorizing the otherwise prohibited act or omission, or any Federal, State, or local officer, or member of an organized rescue or fire fighter force in the performance of an official duty.
- These restrictions will affect individuals who wish to travel within the Restricted Area.

Civil Rights Impact Statement

- The restrictions will have no adverse impacts on civil rights because the restrictions will apply to all individuals equally unless listed above as excepted individuals. No one group will be affected more than another group. Adjacent public land will remain open to recreation and other activities, consistent with the travel management rules established for those areas.
- Past observations of recreational users in the GMUG and Rio Grande National Forests indicate they range in age from the very young to senior citizens and from all economic, ethnic, and social backgrounds.

Civil Rights Impact Analysis

These restrictions will not adversely or disproportionately impact minorities, women, low-income populations, or people with disabilities.