RESOLUTION 20-2021

FERGUS COUNTY STAGE TWO FIRE RESTRICTIONS

WHEREAS high temperatures and low precipitation have occurred within Fergus County during the months of July and August 2021, have resulted in dry fuel and drought conditions raising the risk for fires throughout Fergus County.

WHEREAS, on July 31st, 2021, Helena Lewis and Clark National Forest implemented Stage 2 Fire Restrictions which includes Crystal Lake Campground and surrounding National Forest lands.

WHEREAS, surrounding counties of Petroleum County, Wheatland County and Judith Basin County will also be in Stage 2 restrictions as of August 13th, 2021.

WHEREAS, the Fergus County Board of Commissioners declares that all private land not under the jurisdiction of municipalities or State or Federal agencies are high fire hazard areas;

IT IS HEREBY RESOLVED, by the Fergus County Commissioners that **Stage Two Fire Restrictions** are in effect for all private lands in Fergus County, due to HIGH wildland fire danger.

IT IS FURTHER RESOLVED, that all activities that may potentially cause a fire, including but not limited to:

The following acts are prohibited until further notice.

1. Building, maintaining, attending, or using a campfire.

2. Smoking, except within 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.

3. Operating motorized vehicles of designated roads and trails.

4. The following acts are prohibited from 1:00 p.m. to 1:00 a.m.

a. Operating any internal combustion engine.

b. Welding or operating an acetylene or other torch with open flame.

c. Using an explosive.

A one-hour foot patrol in the work area is required following cessation of all work as described in #4.

Exemptions for Stage II*:

1. Persons with a written permit that specifically authorizes the otherwise prohibited act.

2. 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 or surrounding flammable materials within 3 feet of device.

3. Operating generators with approved spark arrestors within an enclosed vehicle or building or in an area that is barren or cleared of all overhead or surrounding flammable materials within 3 feet of the generator.

4. Operating motorized vehicles on designated roads and trails

5. Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice.

6. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

7. All lands within a city boundary are exempted.

8. Other exemptions unique to each agency/tribe.

Additional Stage II Exemptions* Specific to the Lewistown Restrictions Area:

Operations for the following classes of activities and industries that require travel off designated roads or operating equipment powered by an internal combustion engine or other activities are allowed if the mitigation measures described below are met.

Classes of activities and Industries:

a. Farming and ranching operations, including:

- Agricultural harvest, planting and tilling.
- Care of livestock (feeding, tending, watering, or moving)
- Routine fence and other maintenance

b. Road Construction Projects:

Montana Department of Transportation Highway and secondary road construction

Fergus County Road and Bridge Department emergency repairs and construction projects;

c. Utilities, communication, and cable television operations, including:

- Emergency repairs
- Routine maintenance of distribution lines, transmission lines and right-of-way

d. Oil and gas operations

- Emergency repairs
- Routine maintenance and operations

e. Open cut mining (sand and gravel) and mine rehab operations

- Emergency repairs
- Routine Maintenance and operations

Operations that are not covered under an exemption listed above may be granted an individual exemption permit by the agency having jurisdiction on a case-by-case basis. All new construction outside of a developed area requires an individual exemption permit.

Required Mitigation Measures:

1. All vehicles operating under these exemptions must have.

- Functional exhaust system and/or spark arrestor.
- 3. Fire extinguisher, minimum class 4BC rating and 2 ½ pounds.
- At least four gallons of water available, with a minimum of a two-gallon container capable of being pressurized with a hand pump or one five-gallon backpack pump.
- One firefighting tool per person (#0 shovel or Pulaski).

2. All equipment powered by an internal combustion engine must be equipped with a spark arrestor. A one-hour foot patrol in the work area is required following cessation of all work as described above.

3. All surface blasting, welding, and grinding will only occur between 1:00 a.m. to 1:00 p.m. Additional requirement includes:

- A spark shield surrounding the entire area.
- A one-hour foot patrol in the work area is required following cessation of all work described above.

4. For any work involving welding, blasting, or grinding or equipment powered by an internal combustion engine, the following firefighting equipment, at a minimum, must always be present on site.

- At least four gallons of water available, with a minimum of a two-gallon container capable of being pressurized with a hand pump or one five-gallon backpack pump.
- One firefighting tool per person (#0 shovel or Pulaski).

Recommended Mitigation Measures:

1. When practical, all activities covered under these exemptions should be limited to the hours between 1:00 a.m. to 1:00 p.m.

2. For agricultural harvest, the following is always recommended to be at the work site:

- A truck or trailer with 100-gallon capacity water tank and 10 GPM pump with hose
- A tractor with tillage equipment attached for emergency line construction.
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*An exemption does not absolve an individual or organization from liability or responsibility for any fire started by the exempted activity.

STANDARDIZED WORDING FOR SMALL-SCALE CLOSURE

The following acts are prohibited:

Going into or being upon the following described areas without a written permit; except on permit shall be required of an actual resident going to or from their home, or for persons traveling on paved and numbered highways or occupying designated improved campground immediately adjacent to such highways or for any Federal, State, or local official, or member of an organized rescue or firefighting force in the performance of an official duty.

BE IT FURTHER RESOLVED, the resolution becomes effective at 12:01 A.M. August 13th, 2021, and shall remain in effect until such time as it may be amended or rescinded by the Board of Fergus County Commissioners.

ADOPTED this 12th day of August 2021 by the Board of Commissioners, Fergus County, Montana.

BOARD OF COMMISSIONERS:

CARL SEILSTAD

SANDY YOUNGBAUER

ROSS BUTCHER

ATTEST

JANEL TUCEK, Clerk and Recorder

THE SEAL OF FERGUS COUNTY STATE OF MONTANA