



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of FORESTS and LANDS
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SARAH L. STEWART
Commissioner

WILLIAM GUINN
Acting Director

To: Forest Fire Wardens, Deputy Wardens, Special Deputy Wardens, Fire Departments
From: Steven Sherman, Chief, NH Forest Protection Bureau
Date: September 25, 2020
Subject: State Prohibition on Open Fires and Smoking in and near woodlands

Today the Governor and Council signed a Proclamation prohibiting open fires and smoking in and near woodlands. This was done because of the fire conditions we have and will continue to have as we enter Fall. The drought conditions are severe across the state and wildfire indices are at the point where the potential for large fire activity exists.

What prohibitions are contained in the Proclamation?

...it shall be unlawful for any person in the State to

- Kindle an open fire, including fires built for camping, the burning of debris, or warming, on all public trails or other public property, excluding public campgrounds
- smoke a pipe, cigar and/or cigarette outdoors in or near public woodlands or on public trails
- kindle a category 3 “fire;” a fire greater than 4 feet in diameter or a fire not contained within a ring of fire resistive material

What this means is:

- **All fires are prohibited on public lands, except in a campground**
- **Category 3 fires are banned everywhere, public and private lands**
- **Category 1 and 2 fires are allowed on private property with a fire permit**
- **No smoking is allowed in or near public woodlands or on public trails**

Also to note: The online fire permit system has been shut down until weather conditions improve.

What Wardens NEED to do:

- Post the Proclamation Signs in public places and at access points to public lands in your town. **A copy of the sign is attached to this letter for you to print and post.**
- Contact public and private campgrounds to discuss fire prevention measures, staffing at campgrounds, and ensure all extra campground requirements are still in place for each campfire.
- Advise your Forest Ranger when fire danger conditions change in your community as well as any permit restrictions in place. While not prohibited in the proclamation, per Res 5601.04(a)(5) Category 1 and 2 permits may be suspended by the Forest Fire Warden if they determine weather conditions to be unfavorable. Res 5608.01 Unfavorable weather conditions shall include, but not be limited to, wind, lack of precipitation, or any other factor which could increase fire hazard

What you need to know for enforcement:

- 227-L:15 **Prohibiting Smoking or Kindling of Fires; Penalty**
 - Anyone violating the Proclamation is guilty of a violation under RSA 227-L:15
 - Wardens can issue a Written Warning (DNCR Form 5801) for 227-L:15, Prohibition Smoking or Kindling
 - You can also call the Forest Ranger to follow up with enforcement action. Rangers can issue a warning, violation or Administrative summons with fine amounts from \$124.00 up to \$1,000.00
- 227-L:17 **Permits; Damages; Penalties**
 - This can be used specifically for someone burning without a permit
 - Wardens can issue a Written Warning (DNCR Form 5801) for 227-L:17, which has a quick check box on the front of the Warning Form
 - You can also call the Forest Ranger to follow up with enforcement action. Rangers can issue a warning, misdemeanor, violation or Administrative summons with fine amounts up to \$1,200.00
- Definition of Woodlands is found in RSA 227-G:2, XIX. **"Woodland" includes cut-over land, slash, and such other land as bears a sufficient amount of wood growth, wood, weeds, grass, or other growth as to be likely to be burned.**

Payment for time spent by the Warden and Deputies on fire prevention, preparedness, enforcement and suppression are covered under RSA 227-L:22 Municipal Fire Control Payments, and will follow the normal billing procedures with the state cost sharing 50/50 with the municipality. The payment of on-duty personnel is not a billable cost.

This Proclamation will remain in effect until the conditions improve, at which time we will advise the Wardens. The next weeks and maybe even months may be challenging for all of us. Currently the forecast predictions are for October to continue with above normal temperatures and below normal precipitation. We may see some days with precipitation which will offer short term relief (days), but it will take significant rainfall to change the overall situation. Please continue to communicate your needs to your Forest Ranger and we will do our best to assist you.

Sincerely,



Steven Sherman
Chief, New Hampshire Forest Protection Bureau

Encl.: Campground Requirements
Proclamation Sign



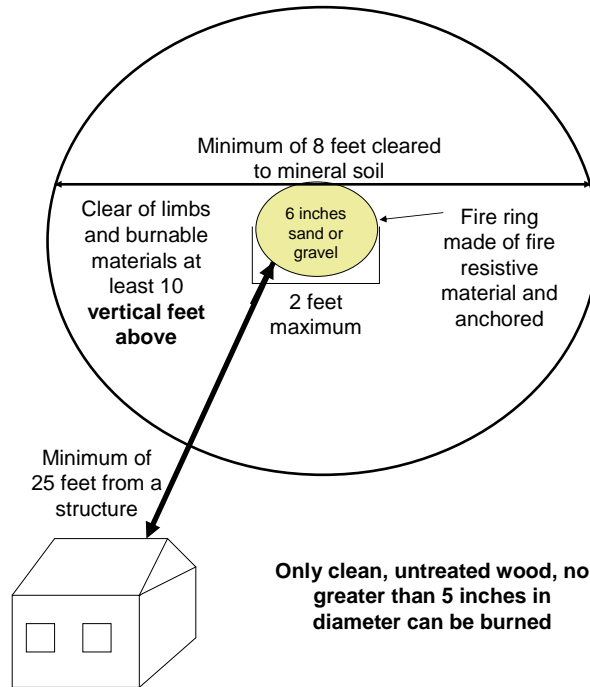
STATE OF NEW HAMPSHIRE
Department of Natural and Cultural Resources
Division of Forests and Lands
FOREST PROTECTION BUREAU



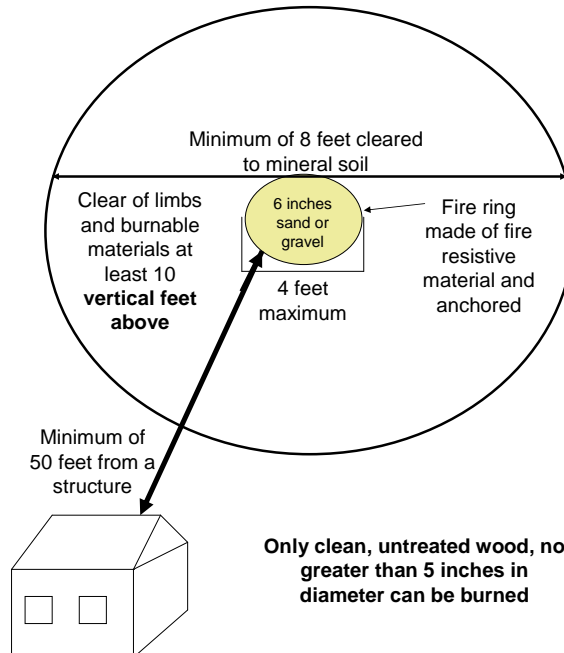
OUTDOOR FIRE REQUIREMENTS FOR PUBLIC & PRIVATE CAMPGROUNDS

1. All outdoor fires require a written permit from the Forest Fire Warden of the town where the fire is to be kindled, any time the ground is not covered with snow. A public campground may obtain a seasonal category I or Category II fire permit for approved fireplaces present at the facility.
2. **“Category I Fire”** means a small controlled fire, such as a camp or cooking fire, no greater than 2’ in diameter contained within a ring of fire resistive material or in a portable fireplace. A category I fire, conditions permitting, may be kindled with a permit at any time of day whether raining or not.
3. **“Category II Fire”** means a controlled fire, such as a camp or cooking fire, no greater than 4’ in diameter contained within a ring of fire resistive material or in a portable fireplace. A category II fire, conditions permitting, may only be kindled with a permit between the hours of 5:00 pm and 9:00 am unless it is actually raining.
4. All fireplaces shall be approved by the Forest Fire Warden and meet the following recommendations:
 - A) Be on an area cleaned to mineral soil at least eight feet across. Where fires are built on the ground, there should be at least six inches of sand or gravel under the fire.
 - B) Have no limbs or other burnable material within a height of ten feet above the fireplace.
 - C) Fire placed shall be constructed so they can’t be moved from their mineral soil area.
 - D) Fireplaces shall not be used for the disposal or waste or rubbish.
 - E) Fireplaces shall be cleaned and the ashes disposed of properly after insuring that they are cold to the touch.
 - F) Before additional fireplaces are added to a campground or camping area, they must be inspected and approved by the Forest Fire Warden.
6. In areas where charcoal grills are used, a well marked container for the safe disposal of ashes from these fires shall be available.
7. Fire protection and suppression equipment such as hand tools, portable pumps and an adequate water supply shall be readily available in all areas where open fires are permitted.
8. In campgrounds/camping areas where entrance and/or exit roads could limit campers’ ability to flee an uncontrolled fire; the Forest Fire Warden shall make recommendations for the elimination of such condition(s) to people responsible for the area.
9. Regulations for fires in campgrounds/camping areas shall be posted and available to all campers.
10. Campground and camping area operation shall keep abreast of current fire dangers and be prepared for fire permit restrictions or bans when they are in effect.
11. Failure to comply with all applicable rules and regulations may result in the fire permit being summarily suspended.
12. **ANY** person violating the fire permit law and its provisions, and any person who willfully or recklessly kindles a fire that endangers woodlands, shall be guilty of a misdemeanor punishable by a fine up to \$2,000 and/or up to one year in jail, or both.

SPECIFICATIONS FOR CAMP OR COOKING FIRES (CATEGORY I)



SPECIFICATIONS FOR CAMP OR COOKING FIRES (CATEGORY II)



DUE TO

FIRE DANGER

The Governor and Council have proclaimed that there shall be

NO OPEN FIRES

NO SMOKING

IN PUBLIC WOODLANDS

**SEE OFFICIAL
PROCLAMATION
FOR DETAILS**

**Burning Brush Piles is Prohibited – No Fires Allowed on Public Lands
Violators Subject to Fine of up to \$2,000.00**

POSTED BY ORDER OF DIRECTOR, DIVISION OF FORESTS AND LANDS



By _____

Date _____