

**ORDER OF THE FOREST SUPERVISOR
EMERGENCY FIRE RESTRICTIONS FOR THE
HIAWATHA NATIONAL FOREST**

Under the authority of the Act of Congress of June 4, 1897, as amended (16 USC 551), and the Secretary of Agriculture's Regulations 36 CFR 261.50(a) and or (b), the following acts and omissions are prohibited within the boundaries of the Hiawatha National Forest. During this restriction the following are prohibited:

Violating any State Law concerning burning, fires, or which is for the purpose of preventing or restricting the spread of fires. 36 CFR 261.52 (k)

Definitions for the purpose of this Order: See attached Michigan State Regulations.

These restrictions are necessary for public health and safety and the protection of National Forest resources. These restrictions are in addition to the general prohibitions found at 36 CFR 261, Subpart A, and will remain in effect from this date until terminated or rescinded by the Forest Supervisor.

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer, or member of any organized rescue or fire fighting force in the performance of an official duty.

Dated this 29th day of May, 2012, at Gladstone, Michigan.



Jo Reyer
Forest Supervisor
Hiawatha National Forest

Violations of these prohibitions are punishable by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both. (16 U.S.C. 551 and 18 U.S.C. 3559 and 3571).

Attachment:

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
ACT. 451 of 1994

324.51507 Extreme fire hazard conditions; proclamation by governor as to use of fire; prohibited acts.

1. Whenever the governor finds that conditions of extreme fire hazard exist and that it is necessary in the public interest and for the preservation of the public peace, health, and safety, he or she may forbid, by proclamation, the use of fire by any person entering forest lands or lands adjacent to forest lands in parts of the state as he or she considers the public interest requires. The proclamation shall be in full force and effect 24 hours after notice is given by the governor.
2. During periods described in subsection (1), and in such areas as the governor proclaims, a person shall not do any of the following:
 - a. Build a campfire of any nature, except within containers at authorized campgrounds or places of habitation.
 - b. Smoke a pipe, cigarette, or cigar, except at places of habitation, authorized improved campgrounds, or in any automobile or truck.
 - c. Burn or cause to be burned any flammable material unless he or she first obtains a permit, in writing, to do.



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

PROCLAMATION

DECLARATION OF DISASTER and BURNING BAN

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

WHEREAS, under the Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended, MCL 30.401 to 30.421, the Governor is responsible for coping with dangers to this state or the people of this state presented by a disaster or emergency or threat thereof, and may issue executive orders, proclamations, and directives having the force and effect of law to implement the Act; and

WHEREAS, under Section 3 of the Emergency Management Act, 1976 Public Act 390, MCL 30.403, the Governor shall, by executive order or proclamation, declare a state of disaster if the Governor finds that a disaster has occurred or that the threat of a disaster exists; and

WHEREAS, beginning on May 21, 2012, Luce County and Schoolcraft County sustained widespread and severe damage, and loss of property caused by a wildfire; and

WHEREAS, the wildfire continues to grow due to exceptionally dry and hot weather conditions and shifting wind patterns, and has thus far consumed more than 19,000 acres of land in Luce County and Schoolcraft County; and

WHEREAS, there is a need to evacuate residents and visitors in harm's way, to ensure their health and safety and the health and safety of emergency responders, and to protect property; and

WHEREAS, since May 21, 2012, multiple federal, state, and local agencies and units of government have worked cooperatively and exhaustively, combining manpower and other resources, in an attempt to contain the rapidly spreading wildfire; and

WHEREAS, despite these valiant efforts, the wildfire is not contained and it continues to destroy forest land in Luce County and Schoolcraft County; and

WHEREAS, additional state assistance is needed to supplement existing firefighting capabilities to lessen or avert the threat of a catastrophe, and to protect and preserve lives and property, and public health and safety in Luce County and Schoolcraft County; and

NOW, THEREFORE, I, RICHARD D. SNYDER, Governor of the State of Michigan, pursuant to the Constitution of the State of Michigan and provisions of Act No. 390 of the Public Acts of 1976, as amended, do hereby proclaim that a state of disaster exists in Luce County and Schoolcraft County; and

FURTHER, I direct that the Emergency Management and Homeland Security Division of the Department of State Police shall coordinate and maximize all state efforts, and may call upon all state departments to utilize resources at their avail to assist in the disaster area pursuant to the Michigan Emergency Management Plan; and

FURTHER, pursuant to Section 30.403 of Act No. 390 of the Public Acts of 1976, I direct and compel evacuation, as of the date of this Proclamation, as may be required by emergency conditions, and upon order of Michigan Department of Natural Resources incident command personnel, for all individuals living or working within that area affected by the disaster in Luce County and Schoolcraft County, who may be in harm's way due to actual or impending fire danger.

FURTHER, pursuant to Section 51507 of the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, MCL 324.51507, I direct an outdoor burning ban on forest lands and lands adjacent to forest lands, as established by the Michigan Department of Natural Resources, in the following 49 counties: Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Bay, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Midland, Missaukee, Montmorency, Muskegon, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wexford.


FURTHER, pursuant to Section 30.405 of Act No. 390 of the Public Acts of 1976, I direct that the sale and use of fireworks in the area affected by the wildfire, is prohibited.

FURTHER, termination of this disaster will occur at such time as the threat or danger to public safety or property caused by the disaster no longer exist and

appropriate programs have been implemented to recover from the effects of this disaster, but in no case longer than June 21, 2012, unless extended as provided by Act No. 390.

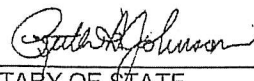
Given under my hand and the Great
Seal of the state of Michigan this
twenty-fifth day of May in the year of our
Lord, two thousand and twelve.





RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:



SECRETARY OF STATE

FILED WITH SECRETARY OF STATE

ON 5/25/12 AT 5:10 P.M.

