

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Michelle Lujan Grisham  
Governor

Sarah Cottrell Propst  
Cabinet Secretary

Todd E. Leahy, JD, PhD  
Deputy Cabinet Secretary

Laura McCarthy  
State Forester  
Forestry Division



**2020-01**

**SMOKING, FIREWORK, CAMPFIRE, AND OPEN FIRE RESTRICTIONS FOR NEW MEXICO**

Due to abnormally warm temperatures, low humidity, high winds, and the abundance of dry, fine fuels, fire danger throughout much of New Mexico is high. Fire incidents for all wildland fire agencies are increasing daily. Pursuant to NMSA, Section 68-2-16, and other sections of the Forest Conservation Act, NMSA 1978, Section 68-2-1 to 68-2-25, and 19.20.3 NMAC; Restrictions for Fire Prevention, the Energy, Minerals and Natural Resources Department, Forestry Division, State Forester, has placed the following restrictions on non-municipal, non-federal, and non-tribal lands statewide.

**SMOKING, FIREWORKS, CAMPFIRES, OPEN BURNING, AND OPEN FIRES ARE PROHIBITED UNLESS THE FOLLOWING CONDITIONS ARE MET:**

**Smoking is prohibited** except in enclosed buildings, within vehicles equipped with ashtrays, and on paved or surfaced roads, developed recreation sites, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.

**Fireworks use is prohibited** on lands covered wholly or in part in timber, brush, grass, grain, or other flammable vegetation. The State Forester is allowing exceptions to the ban on fireworks where they are a part of a public exhibit approved by the local fire department.

**Campfires are prohibited** unless the following exceptions are met. An exception is granted where cooking or heating devices use kerosene, white gas, or propane as a fuel in an improved camping area that is cleared of flammable vegetation for at least 30 feet or has a water source. New Mexico State Parks and New Mexico Department of Game and Fish lands are included in this prohibition. For more information regarding New Mexico State Parks contact the local State Park Superintendent or Manager or visit the website at [www.nmparks.com](http://www.nmparks.com).

The State Forester is also allowing exceptions for charcoal grills and wood and coal stoves within yards associated with a residence or on the premises of a business.

**Open burning**, i.e., burning of cropland, fields, rangeland, debris burning, slash piles, prescribed burning, or weed burning, is prohibited. The State Forester grants an exception to open burning when all the following conditions are met:

1. the cropland is irrigated (This exception does not apply to non-irrigated croplands, fields, or rangelands.);
2. burning is done with adequate planning;
3. adequate personnel are present to monitor and control the burn to assure that it will not become an uncontrolled fire;
4. the burn area is secured from becoming uncontrolled at the end of daily operations; and
5. at the beginning of each day, before ignition, the person responsible for the burn notifies the local fire department responsible for fire protection and follows all local burning guidelines and 20.2.60.111 NMAC, Open Burning of Vegetative Material, related to state air quality.

**Flaring of gas** is prohibited. The State Forester is allowing for an exception to the prohibition on open fires for the flaring of natural gas when all the following conditions are met:

1. Flaring is needed for safety purposes and/or short term unplanned operational needs.

Or when planned flaring is needed and all the following conditions are met:

2. the day is not designated a "red flag day" as determined by the National Weather Service and the sustained wind is not in excess of 25 miles per hour in the area; and
  - a. the local fire department and county dispatch are notified at least 24 hours in advance of anticipated releases that will result in flaring; if flaring is done by an automated system then the schedule of flaring shall be provided to the local fire department and county dispatch; and
  - b. at least one adult is on site with communications equipment adequate to reach county dispatch and the local fire department in the event of a fire; the individual should also be equipped with a shovel and a water backpack pump or other equipment to deliver water to suppress a fire; and
  - c. the area is mowed and maintained at a length not to exceed 4 inches and all other flammable products or debris shall be cleared in the area for a distance of one and one half times the height of the stack; or
  - d. if flaring is to take place at an unmanned facility, then the area around the flare stack is mowed and maintained at a length not to exceed 4 inches and all other non-facility related flammable products or debris shall be cleared in the area for a distance of three times the height of the stack.

**Other exceptions may be requested.**

The State Forester may allow additional exemptions upon receiving a written request and granting subsequent approval in writing. You may apply for exemptions other than those

listed above for flaring or agricultural burning on the Forestry Division website at <http://www.emnrd.state.nm.us/SFD/>. The exemptions provided above in this Fire Restrictions Order for flaring and agricultural burning do not require written approval so long as the conditions listed are met.

An exemption does not relieve a person from any civil or criminal liability associated with an uncontrolled fire, including costs associated with wildland fire suppression.

These restrictions become effective at 8:00 a.m. Wednesday, May 13, 2020 and will remain in effect until rescinded.

DONE THIS 13th DAY OF MAY 2020

**Laura McCarthy, State Forester  
Forestry Division**

**Sarah Cottrell Propst, Cabinet Secretary  
Energy, Minerals and Natural Resources Department**

**Michelle Lujan Grisham**, Governor  
**Sarah Cottrell Propst**, Cabinet Secretary  
**Todd E. Leahy, JD, PhD**, Deputy Cabinet Secretary  
**Laura McCarthy**, State Forestry Division Director

**FOR IMMEDIATE RELEASE:**

**Contact:** Wendy Mason  
Wildfire Prevention and Communications Coordinator  
[wendy.mason@state.nm.us](mailto:wendy.mason@state.nm.us)  
505-476-3209



**May 13, 2020**

**New Mexico State Forester Mandates Early Fire Restrictions  
on All Non-municipal, Non-federal, and Non-tribal Lands Statewide  
in Response to Dry Conditions and COVID-19**

**SANTA FE, NM** – In an effort to protect communities, firefighters, first responders, and New Mexico’s natural resources, the Energy, Minerals and Natural Resources Department Forestry Division today announced restrictions on fireworks, smoking, campfires and open fires on all non-municipal, non-federal, and non-tribal lands statewide. Due to warmer temperatures, lower humidity, high winds, and an abundance of dry, fine fuels, the fire danger is increasing throughout the state. The current COVID-19 pandemic only amplifies the current danger by putting an additional strain on firefighting resources. **The restrictions will go into effect at 8:00 a.m. on Wednesday, May 13, 2020.**

“Given the extraordinary circumstances we are facing with COVID-19 and in accordance with Governor Michelle Lujan Grisham’s stay-at-home order we urge all New Mexicans to follow the fire restrictions guidelines and to use caution while spending time outdoors,” said State Forester Laura McCarthy. “While the Forestry Division and its local, state, federal, and tribal partners across the state have COVID-19 protocols in place, an outbreak of the virus among firefighters could have a major impact on resources. Keeping wildfires from starting is the best way to prevent this and to prevent the loss of life and property.”

The restrictions will be imposed on non-municipal, non-federal, and non-tribal lands statewide in New Mexico and will remain in effect until further notice.

The Forestry Division will continue to coordinate with other jurisdictions including federal, counties and municipalities to ensure that appropriate protections are in place to protect New Mexico as fire danger and wildfires increase.

**SMOKING, FIREWORKS, CAMPFIRES, OPEN BURNING, AND OPEN FIRES ARE PROHIBITED ON NON-MUNICIPAL, NON-FEDERAL, AND NON-TRIBAL LANDS STATEWIDE UNLESS THE FOLLOWING CONDITIONS ARE MET.**

**Smoking is prohibited** except in enclosed buildings, within vehicles equipped with ashtrays, and on paved or surfaced roads, developed recreation sites, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.

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2. burning is done with adequate planning;
3. adequate personnel are present to monitor and control the burn to assure that it will not become an uncontrolled fire;
4. the burn area is secured from becoming uncontrolled at the end of daily operations; and
5. at the beginning of each day, before ignition, the person responsible for the burn notifies the local fire department responsible for fire protection and follows all local burning guidelines and 20.2.60.111 NMAC, Open Burning of Vegetative Material, related to state air quality.

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  - b. at least one adult is on site with communications equipment adequate to reach county dispatch and the local fire department in the event of

- a fire. The individual should also be equipped with a shovel and a water backpack pump or other equipment to deliver water to suppress a fire; and
- c. the area is mowed and maintained at a length not to exceed 4 inches and all other flammable products or debris shall be cleared in the area for a distance of one and one half times the height of the stack; or
  - d. if flaring is to take place at an unmanned facility, then the area around the flare stack is mowed and maintained at a length not to exceed 4 inches and all other non-facility related flammable products or debris shall be cleared in the area for a distance of three times the height of the stack.

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For details and the legal restriction notification, go to [www.emnrd.state.nm.us/SFD/](http://www.emnrd.state.nm.us/SFD/) or call (505) 476-3325.

For questions regarding flaring contact the local New Mexico Oil Conservation Division Office: Artesia/Hobbs: (575) 626-0857; or Aztec, Brandon Powell (505) 320-0200.

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*The Energy, Minerals and Natural Resources Department provides resource protection and renewable energy resource development services to the public and other state agencies.*

<http://www.emnrd.state.nm.us>



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## Fire Restrictions Exceptions Procedures

For the State Forester to consider an exception to the State of New Mexico's Smoking, Firework, Campfire, and Open Fire Restrictions to conduct an open fire activity on non-municipal, non-federal, and non-tribal lands statewide, you must provide the following information in your emailed request:

- Landowner's or Operator's name
- Name and contact information of person in charge
- Number of personnel on site to monitor and maintain control
- Location of open fire activity including latitude and longitude if available
- Legal location of open fire activity (township and range)
- County where open fire activity will take place
- Equipment on site during the open fire activity, if applicable
- How you will notify the local fire department and Forestry Division before ignition.

The information that you provide will be beneficial in providing a timely response to your exception request.

If you have any questions or are requesting an exception, please email and carbon copy or telephone the following individuals:

Vernon Muller [VernonJ.Muller@state.nm.us](mailto:VernonJ.Muller@state.nm.us) (505) 690-1069  
Robert Brown [Robert.Brown@state.nm.us](mailto:Robert.Brown@state.nm.us) (505) 660-5705  
Wendy Mason [Wendy.Mason@state.nm.us](mailto:Wendy.Mason@state.nm.us) (505) 690-8210

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1220 South St. Francis Drive ▪ Santa Fe, New Mexico 87505  
Phone (505) 476-3325 ▪ Fax (505) 476-3330  
<http://www.emnrd.state.nm.us/SFD>