

State of New Mexico
Energy, Minerals and Natural Resources Department

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2022-01

**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, State Game Commission lands managed by the Department of Game and Fish, and state trust lands managed by the State Land Office are included in this prohibition. For more information on your New Mexico State Parks, please visit <https://www.emnrd.nm.gov/spd/> or call 1-888-667-2757.

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 the following conditions are met:

1. Flaring is needed for safety purposes, emergencies, and/or malfunctions as defined by 19.15.27 NMAC and 19.15.28 NMAC.
2. Or when all the following conditions are met, flaring for purposes defined under 19.15.27.8(D) NMAC and 19.15.28.8(B) NMAC:
 - the day is not designated a “red flag day” as determined by the National Weather Service and the sustained wind does not exceed 25 miles per hour in the area; and
 - the local fire department and county dispatch are notified at least 24 hours in advance of anticipated 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
 - 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
 - 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 flare stack..
3. Flaring for purposes defined under 19.15.27.8(D) NMAC and 19.15.28.8(B) NMAC, 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 <https://www.emnrd.nm.gov/>. 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 12:00 p.m. Friday, April 22, 2022 and will remain in effect until rescinded.

DONE THIS 22 DAY OF APRIL 2022



**Laura F. McCarthy, State Forester
Forestry Division**



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