United States Forest Service
Tonto National Forest

SPECIAL RESTRICTIONS FOR OCCUPANCY AND USE

PROHIBITIONS

Pursuant to 16 USC 551 and 36 CFR 261.50 (a) and (b), the following acts and omissions are prohibited on the areas, roads, and trails as described in this Order, and as depicted on the attached map hereby incorporated into this Order as Exhibit A (the "restricted area"), all within the Tonto National Forest, Maricopa, Gila, Yavapai, and Pinal Counties, Arizona:

1. Using an explosive. 36 CFR 261.52(b)

2. Possessing, discharging or using any kind of firework or other pyrotechnic device. 36 CFR 261.52(f)

3. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either, (1) Department of Agriculture, Forest Service Standard 5100–1a; or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). 36 CFR 261.52(j)

4. Violating the following State laws specified in this Order concerning burning, fires, or which is for the purpose of preventing or restricting the spread of fire. 36 CFR 261.52(k). Arizona Revised Statutes specified: ARS 13-1702, ARS 13-1703, ARS 13-1704, ARS 13-1706, ARS 13-2913, ARS 36-1602, ARS 37-501, ARS 37-623.

5. Using a road for commercial hauling without a permit or written authorization. 36 CFR 261.54(c)

6. Operating a vehicle in violation of the speed, load, weight, height, length, width, or other limitations specified in the Order. 36 CFR 261.54(d)

   A) Operating a motor vehicle in violation of any posted limitations when such limitations are posted in compliance with the Manual on Uniform Traffic Control Devices (MUTCD).

   B) Operating a motor vehicle in violation of Arizona Revised Statutes, Title 28, Chapter 3, "Traffic and Vehicle Regulation", and Title 28, Chapter 4, "Driving Under the Influence".

7. Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property. 36 CFR 261.54(f)

8. Shortcutting a switchback in a trail. 36 CFR 261.55(e)

9. Camping for more than fourteen (14) days in a thirty-day period. 36 CFR 261.58(a)

United States Forest Service
Tonto National Forest

SPECIAL RESTRICTIONS FOR OCCUPANCY AND USE

For purposes of this Order, *camping* is defined as: Overnight occupancy of National Forest System lands, whether by persons or their camping equipment and other personal property, for the period specified.

10. Parking or leaving a vehicle in violation of posted instructions. 36 CFR 261.58(g)

11. Possessing, storing or transporting any part of a tree or other plant, as specified in the order. 36 CFR 261.58(t)

Any plant material defined by the State of Arizona as "forage", which includes hay, straw, mulch, cubes, feed grain and pellets, which is not certified and identified by the Arizona Crop Improvement Association (ACIA) as "Certified Noxious Weed Free Forage and Mulch"; or is not otherwise certified outside the State of Arizona as compliant with other state certified weed-free programs.

12. Being in any National Forest campground between 10 PM and 6 AM, except a person who is camping or who is visiting a person camping in the area. 36 CFR 261.58(u)

Exception: Ingress and egress only for persons lawfully engaged in fishing.

13. Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions. 36 CFR 261.58(aa)

14. Possessing a beverage which is defined as an alcoholic beverage by State law, as specified below. 36 CFR 261.58(bb)

A) Possessing an alcoholic beverage by persons under the age of twenty-one (21) years.

B) Possessing an open container of an alcoholic beverage while within the passenger compartment of any motor vehicle either on or off road.

The following ARS 4-251C exceptions apply: 1) A passenger in any bus, limousine or taxi; and 2) A passenger in the living quarters of a motor home.

For purposes of this Order, the term Alcoholic beverage means the same as the definition for "spirituous liquor" found at Arizona Revised Statute, ARS 4-101.

EXEMPTIONS

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.

United States Forest Service
Tonto National Forest

SPECIAL RESTRICTIONS FOR OCCUPANCY AND USE

2. Any Federal, State, or local officer, or member of any organized rescue or fire fighting force in the performance of an official duty.

AREA DESCRIBED

The restricted area includes all National Forest System lands, waters, roads, and trails within the exterior boundaries of the Tonto National Forest, as depicted in Exhibit A of this Order.

PURPOSE

The purpose of this Order is the protection of National Forest visitors and employees, the prevention of user conflicts, the conservation of natural resources, and the protection of property belonging to the United States.

IMPLEMENTATION

1. Prohibitions contained in this Order become effective immediately upon execution of the Order and will remain in effect for five years from the date of execution, unless terminated sooner.

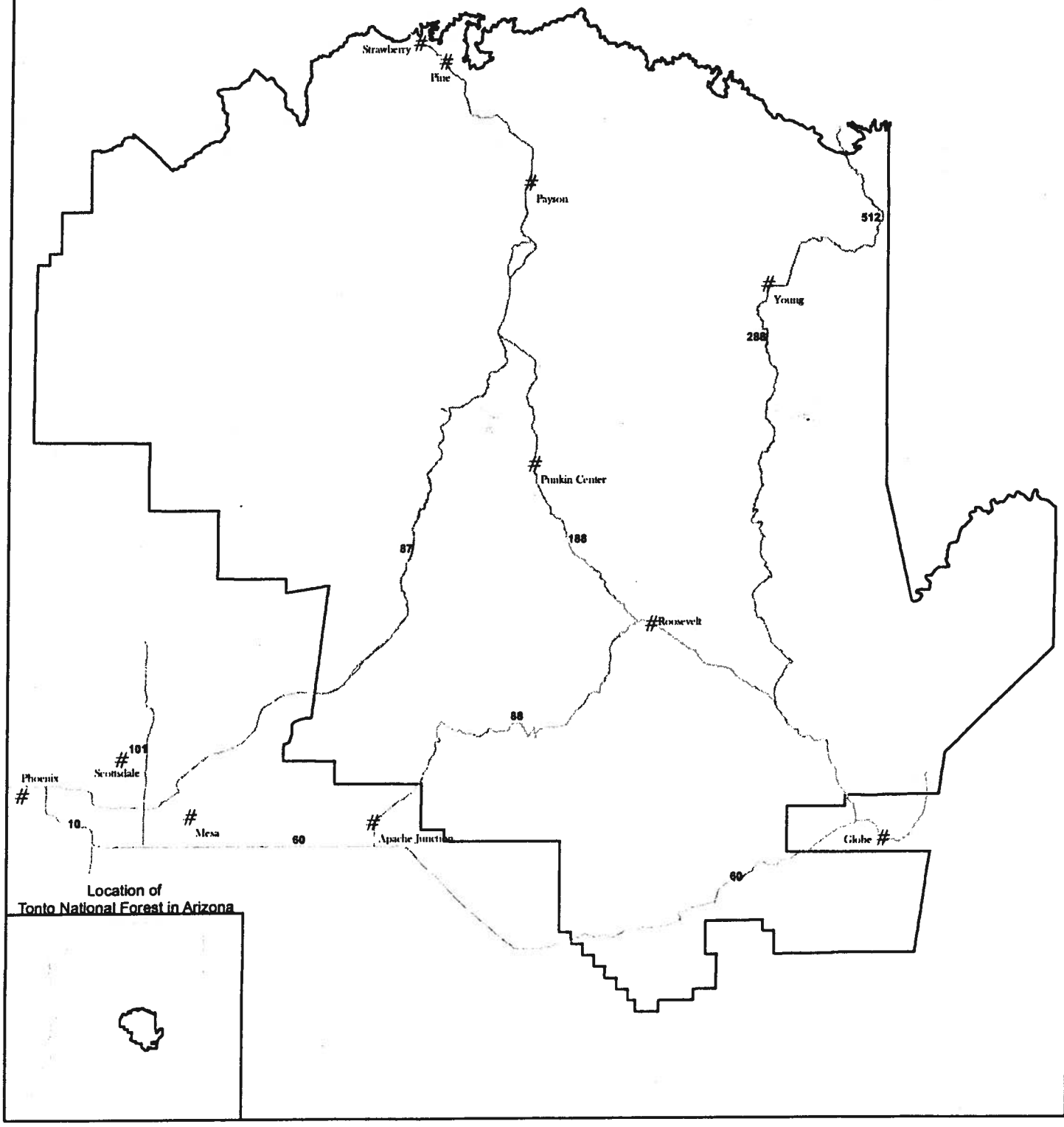
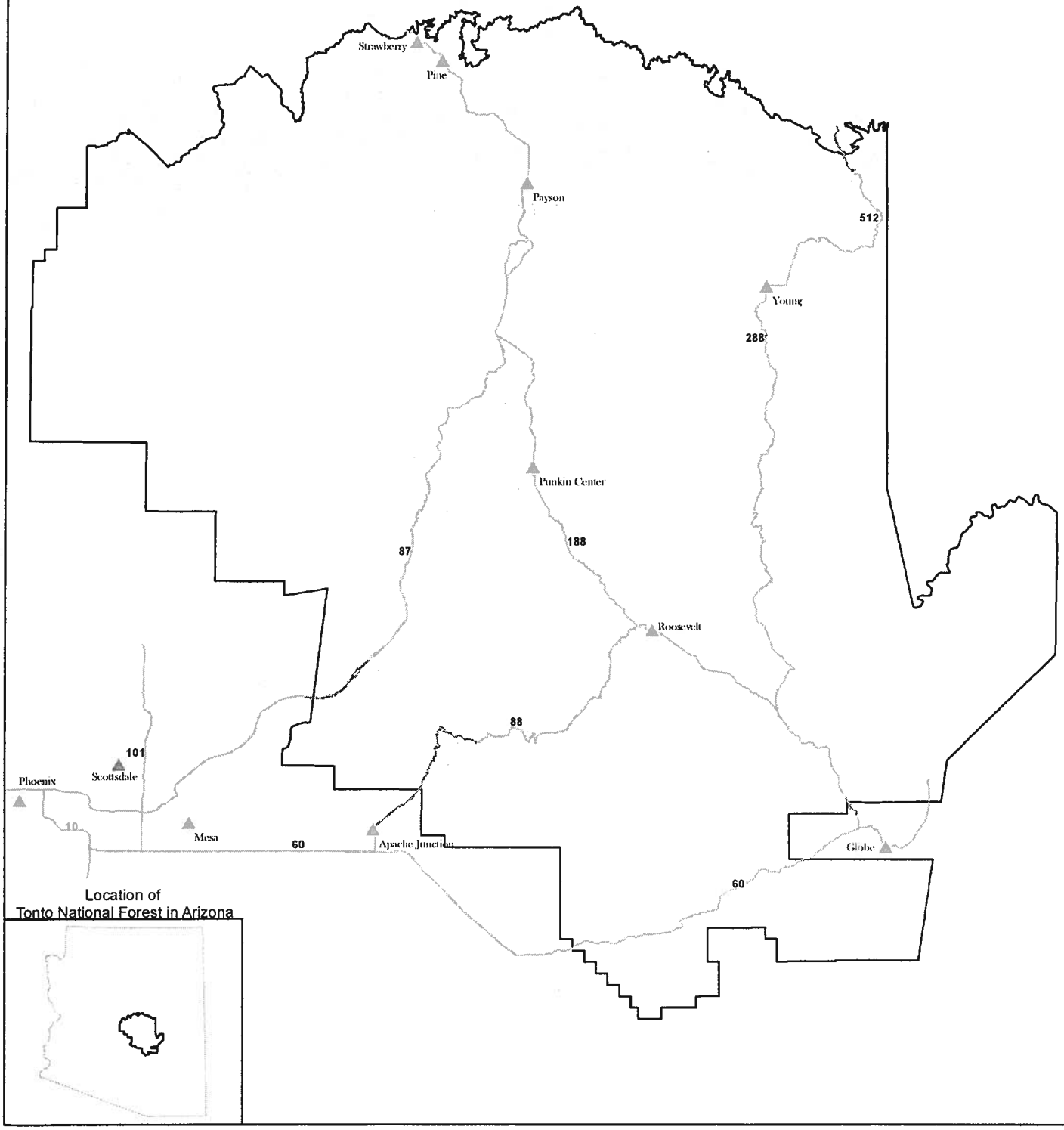
2. These restrictions are in addition to the general prohibitions found at 36 CFR 261, Subpart A.

3. Violation of these prohibitions is punishable by a fine of not more than $5,000 for individuals and $10,000 for organizations, imprisonment for not more than six (6) months, or both. [16 USC 551, 18 USC 3559, 3571 and 3581].

Done this 5TH day of MARCH 2010, at Phoenix, Arizona.

GENE BLANKENBAKER
Forest Supervisor

Order No. 12-08-231 2R
Special Restrictions for Occupancy and Use
Exhibit A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