



**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
GILA NATIONAL FOREST  
WILDERNESS & BLACK RANGE RANGER  
DISTRICTS**

**TEMPORARY PUBLIC HEALTH AND SAFETY ORDER  
(Revised)**

**PROHIBITIONS:**

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50(a) and (b), the following acts are prohibited within the area and on the roads described in this Order (the “Restricted Area”), and as depicted on the attached map, hereby incorporated into this Order as Exhibit A, all within the Wilderness and Black Range Ranger Districts, Gila National Forest, Catron, Sierra and Grant Counties within the State of New Mexico:

1. Going into or being upon the Restricted Area. **36 C.F.R. § 261.53(e).**
2. Being on the road. **36 C.F.R. § 261.54(e).**
3. Being on a trail. **36 CFR § 261.55(a).**

**EXEMPTIONS:**

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Persons with a written Forest Service authorization specifically exempting them from the effect of this Order.
2. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
3. Owners or lessees of land in the area for the sole purpose of access to their private lands and/or residences

**AREA AND ROADS DESCRIBED:**

As depicted on the map at Exhibit A, the Restricted area consists of all National Forest System lands. Beginning at the intersection of Forest Road 150 (North Star Road) and New Mexico State Highway 59 (east of Beaverhead). Progressing east along State Highway 59 to the intersection of Forest Road 955. Northeast along Forest Road 955 to the intersection of Forest Road 584, continuing north and northeast along Forest Road 584 to the intersection of Forest Road 4052B, then east along Forest Road 4052B to the forest boundary. Following the forest boundary south then east, continuing north along the forest boundary to the intersection of Forest Road 4141. East on Forest Road 4141 to its

intersection with Forest Road 4052S to where it intersects with the Continental Divide trail. Continuing East along the Continental Divide Trail to the intersection of Forest Trail 60 (Duck Canyon), east along trail 60 (Duck Canyon) to the eastern boundary of the Gila National Forest. Following the Forest Boundary south for approximately 44 miles to State Highway 152 (east of Kingston). West along State Highway 152 for approximately 11 (air miles) to where State Highway 152 intersects with the Forest Boundary south of Hendricks Peak. Continuing west along the Forest Boundary to its intersection with State Highway 35. Continuing northwest along State Highway 35 to the intersection of Forest Road 4079T (Lincoln Canyon), Then northeast along Forest Road 4079T to its intersection with Forest Trail 965 and Forest Road 4079R. East along Forest Trail 965 becoming Forest Road 4079R to the intersection with Forest Road 150 (North Star Road). Progressing north on Forest Road 150 to the intersection of Forest Trail 700 (Brannon Park) which intersects with Forest Trail 74 (Continental Divide Trail). West along the Continental Divide Trail to the intersection of Forest Trail 95 (Big Timber). Then northwest on Forest Trail 95 to its intersection with Apache Creek (drainage). West along Apache Creek to the intersection of Black Canyon Creek (drainage). Northwest along Black Canyon Creek to the intersection of Forest Trail 708 (Tom Moore). Northeast along Forest Trail 708 which intersects with Forest Trail 713 (Link). Northeast along Forest Trail 713 to the intersection with Forest Road 609. Forest Road 609 east to the intersection of Forest Road 150. North along Forest Road 150 back to its beginning at the intersection of Forest Road 150 and Highway 59 (East of Beaverhead).

The following roads are closed: Forest Road 150 is closed from Highway 35 north approximately 45 miles to its intersection with State Highway 59. State Highway 59 is closed from the intersection of Forest Road 150 to the intersection of State Highway 52 (approximately 25 miles). All roads and trails within the area depicted as "Restricted Area" are closed, including the portions of the Continental Divide Trail.

The following developed campgrounds are closed Upper Black Canyon, Lower Black Canyon, Rocky Canyon, Lower Gallinas, Upper Gallinas, Railroad Canyon, Iron Creek and Kingston.

The closure also includes Emory Pass Vista and Wrights Cabin.

## **PURPOSE**

To protect public health and safety during the Black Fire suppression activities.

## **IMPLEMENTATION**

1. This Order will be effective on the 6<sup>th</sup> of June 2022, at 1200, and will remain in effect until December 31<sup>st</sup>, 2022, or until rescinded, whichever occurs first.
2. A Map identifying the area closure is attached and made part of this Order as Exhibit A. For a digital version of the Order map for the NF, go to <https://www.fs.usda.gov/alerts/gila/alerts-notice>
3. Any violation of this prohibition is punishable by a fine of not more than \$5,000 for individuals and \$10,000.00 for organizations and/or imprisonment for not more than six (6) months (*see* 16 U.S.C. § 551, 18 U.S.C. § 3571(b)(6), 18 U.S.C. § 3581 (b)(7)).
4. Further information regarding this Order may be obtained at the Gila National Forest Supervisors office located in Silver City, NM, telephone number 575-388-8201

5. This Order supersedes any previous orders prohibiting the same act covered by this Order.

Done at Silver City, New Mexico this 4<sup>th</sup> day of June 2022

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Michael Martinez  
Acting Forest Supervisor  
Gila National Forest

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Date

**Assessment of Need (Justification), CRIS and Enforcement Plan**

Assessment of Need (Justification), CRIS and Enforcement Plan

1. **Background:** The Wilderness, Black Range and Silver City Districts of the Gila National Forest are proposing to temporarily close the described area from use by the public. The purpose of this order is to minimize exposure of the public to potentially hazardous conditions due to wildland fire. This area is used by recreational visitors. The restricted area is shown on the attached map, hereby incorporated into this Order as Exhibit A. An Order is needed to be able to cite persons unwilling to comply with this special order.
  
2. **Intent of Subpart B order:** To assure the protection of public health and safety in the Closure Area during the Black Fire activities.
  
3. **NEPA Compliance:** This Order falls under FSH 1909.15, 31.12, (1): “Orders issued pursuant to 36 CFR Part 261 - Prohibitions to provide short-term resource protection or to protect public health and safety”. This Order will not individually or cumulatively have a significant effect on the quality of the human environment and, therefore, is categorically excluded from documentation in an EIS or an EA. The only physical changes to the environment associated with this Order will be signs posted temporarily for the duration of the closure. No effects to extraordinary circumstances are anticipated.
  
4. **Civil Rights Impact Statement:** This Order does not constitute a “major action” as defined in FSH 1709.11, 31.1. It merely minimizes the dangers to human health and safety; as such, no one group is expected to be displaced or experience a disproportionate burden as a result of this Order.
  
5. **Enforcement Plan:** The following activities will occur in order to implement this special order in a manner that results in public acceptance and safety: Forest Service Law Enforcement Officers, Forest Protection Officers, Sheriff Deputies, Fire Wardens, Fire Prevention Technicians, firefighting crews, and New Mexico Department of Game and Fish Officers will patrol the affected area to enforce as well as educate the public on the closure area.

Potentially affected individuals and other Forest users will be notified of this Order with the issuance of a press release, which will be routed through appropriate media outlets. Furthermore, the Order will be posted on the Forest website, at the Forest Supervisor's Office, and at all ranger district offices on the Forest. When implemented, the prohibitions listed in the Order will be posted in reasonable locations including, but not limited to: fire danger signs, electronic reader boards, day use areas, developed campgrounds, visitor centers, and some dispersed camping areas.

	<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order		Canuto Molina, Patrol Captain, Southwestern Region, USFS	06/01/22
Review proposed order (Law Enforcement)		Canuto Molina, Patrol Captain, Southwestern Region, USFS	06/01/22
Approve proposed order		Michael Martinez, Forest Supervisor, Gila National Forest	

Post order in accordance with 36 CFR 261.51

Volunteers, Forest Service LEOs and  
FPOs, and all available staffs

Prepare news release for local media describing  
the order and management objectives/post to website/notify  
COIDC/copy to each receptionist/frontliners

Forest PAO

Notices will be used at access points advising of the closure  
for implementation.

Appropriate Staff  
Law Enforcement Officers  
Forest Protection Officers  
Gila National Forest Employees &  
Volunteers

Enforcement Plan approved for implementation:

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MICHAEL MARTINEZ  
ACTING FOREST SUPERVISOR

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DATE