Order No. 03-02-02-2022-06

U.S. Department of Agriculture, U.S. Forest Service
CARSON NATIONAL FOREST
EL RITO RANGER DISTRICT

Temporary Area and Roads Closure
Public Health and Safety

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50(a) and (b), the following are prohibited on the National Forest System (NFS) lands and roads in the El Rito Ranger District, Carson National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A (the “Described Area/Roads):

1. Going into or being upon the Described Area. 36 C.F.R. § 261.53(e).

2. Being on the road. 36 C.F.R. § 261.54(e).

EXEMPTIONS

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

1. Land owners in the Potrero Inholdings.

2. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads or Areas Restricted by Regulation or Order), specifically exempting them from this Order or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 251.50(e)(1) or (2).

3. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting resource in the performance of an official duty.
DESCRIBED AREA and ROADS

The Described Area includes all National Forest System lands and roads within the boundary starting at the intersection of National Forest System Road (FR) 44 and FR 123 (within Township 26 N, Range 8 E, Section 34), then following the south side of FR 123 northwest to the intersection of FR 123T11, then following the south side of FR 123T11 west to FR 172I, then following the west side of 172I1 to the intersection of the FR 172, then following north along FR 172 to the intersection of FR 106, then following back along FR 172 south to the intersection of FR 172A, then following the south and west sides of FR 172A to its intersection with FR 173, then following FR 172A back to the northeast ½ mile to the intersection of FR 173T2, then following the east side of FR 173T2 to the south approximately 1/4 mile before its terminus, then following a ridge southeast to the Potrero inholding boundary, then following the inholding boundary north, east, then south to the ridge on the west side of Canada del Potrero (Potrero Creek) approximately one mile, including Potrero Falls and the meadow area, all the way to the FR 44 intersection with Potrero Creek, then following in a general northern direction along the west side of FR 44 back to the point of beginning at its intersection with FR 123.

NOTE: FR 123 and FR 44 are open. FRs 44B, 44F, 44D2, 44T9, 123D, 123T6, 123T7, 123T9, 123T21, 172A, 172I, 172I1, 173T2, and FR 72 G1 remain closed.

PURPOSE

The purpose of this Order is to protect public health and safety during a period of potential flood risk and from risks associated with wildfire suppression repair operations in the Described Area.

IMPLEMENTATION

1. This Order shall be in effect from August 26, 2022 at 6:00 pm through October 30, 2022 at 6:00 pm unless rescinded.

2. A map identifying the Described Area and Roads is attached and made part of this Order as Exhibit A.

3. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.

4. A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than $5,000 for individuals and $10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
5. Contact the El Rito Ranger District in El Rito, New Mexico (575) 581-4554, and the Carson National Forest Supervisor’s Office in Taos, New Mexico, 575-758-6200, for more information about this Order.

6. This Order supersedes Order Number: 02-513 any previous Orders prohibiting the same or similar acts in the same Described Area and Roads.

Signed and issued on ______.

JAMES D. DURAN
Forest Supervisor
Carson National Forest