



U.S. Department of Agriculture, U.S. Forest Service Humboldt-Toiyabe National Forest

Occupancy and Use Restrictions

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 National Forest System (NFS) lands, areas, roads and trails on the Humboldt-Toiyabe National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A ("Described Area").

1. Camping or possessing camping equipment in excess of fourteen (14) days in any thirty (30) day consecutive period.
36 C.F.R. § 261.58(a).

EXEMPTIONS

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

1. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, 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).
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.

PURPOSE

The purpose of this order is for the protection of natural resources, property, and the enhancement of recreational opportunities for all National Forest System users.

IMPLEMENTATION

1. This Order shall be in effect from August 20th, 2023 at 12:00am through August 20th 2033 at 12:00am, unless rescinded.
2. A map identifying the Described Areas, roads and trails is attached and made part of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to <https://www.fs.usda.gov/alerts/htnf/alerts-notice>.
3. Unless otherwise expressly defined in this Order, the terms used in this Order are

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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 Humboldt-Toiyabe National Forest Supervisor's Office at 1200 Franklin Way, Sparks NV 89431 (715) 331-6444, for more information about this Order.
6. This Order supersedes any previous Orders prohibiting the same or similar acts on the Described Areas.

Signed and issued on 18th day of August 2023.

William A. Dunkelberger
Forest Supervisor
Humboldt-Toiyabe National Forest

SUPPORTING DOCUMENTS
Order # 04-17-23-12

Assessment of Need

Purpose of Order

This Order is needed to protect and offer access to the Humboldt Toiyabe National Forest System (NFS) Lands by putting limits on the amount of time a person can camp and keep their camping related equipment on NFS Lands. The Humboldt Toiyabe has utilized the practice of no more than fourteen days in a thirty-day consecutive period on previous orders and continues to follow this practice. With increasing demands to utilize the National Forest System for camping further hardships are placed on the landscape, as well as a high demand from visitors.

Scope of Order

This Order will apply on all lands managed by the Humboldt Toiyabe National Forest and includes both Developed and Disbursed camping. It prohibits continuous camping or possession of camping equipment beyond the 14 Day Stay Limit by making it a violation. A person with their equipment will need to vacate the Humboldt Toiyabe National Forest before returning within a thirty-day consecutive period.

For example, the following example would be the intent of the enforcement aspects of this Order:

A camper arrives to camp at a location. They stay for fourteen days and leave on the fourteenth day. After (3) weeks they return to the Humboldt Toiyabe National Forest to camp for an additional twelve days. (No violation of this order has occurred, as the camper came back after the consecutive thirty-day period.)

Enforcement Plan

Posting

Posting of the Order as required in 36 C.F.R. § 261.50 will provide notification to National Forest visitors of the prohibited conduct. The Order will be posted in the Forest Supervisor's Office, and at District Rangers Stations as required in 36 C.F.R. § 261.51. The Order will also be posted online at the Humboldt Toiyabe National Forest Website for public viewing.

Coordination With Other Agencies

The Forest Service will work with appropriate agencies in sharing on the educational aspects of this order with all vested entities.

Patrol Activities

USDA, Forest Service Law Enforcement & Investigations via Law Enforcement Officers and Forest Protection Officers will patrol popular camping locations on the Humboldt Toiyabe National Forest to ensure the Fourteen Day Stay Limits of this order are being applied.

Enforcement Strategies

Law Enforcement Officers and Forest Protection Officers will make attempts to contact persons with the intent of camping and educate them on the Humboldt Toiyabe National Forest camping rules and regulations, including the fourteen day stay limit. Violators will be advised of the restrictions and the actions needed to come into compliance. The violators will be identified. A Violation Notice or Warning Notice may be issued, and they will be required to comply with listed prohibitions. Law Enforcement Officers and Forest Protection Officers may use reasonable discretion to work with visitors on vacating areas when they are identified and in violation of this regulation.

Access

The Order will not adversely impact access into the Described Area.

Civil Rights Impact Determination

This Order is not a policy action with civil rights implications. No one group will be affected more than another group. The Forest Service has determined a Civil Rights Impact Analysis (CRIA) is therefore not required for this Order.

National Environmental Policy Act (NEPA)





The proposed action falls under the categorical exclusion in 36 C.F.R. 220.6(d)(1): Orders issued pursuant to 36 CFR Part 261-Prohibitions to provide short term resource protection or to protect public health and safety. Resource specialists have determined no extraordinary circumstance exist that would preclude the application of this categorical exclusion.

Exhibit A Described Area

Humboldt-Toiyabe National Forest

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-  DESCRIBED AREA
-  FOREST BOUNDARY
-  USDA FOREST SERVICE
-  NON-FS

