**Order Number R03-004**

# UNITED STATES DEPARTMENT OF AGRICULTURE
# FOREST SERVICE
# SOUTHWESTERN REGION
# REGIONAL CLOSURE ORDER

Pursuant to 16 USC 551 and 36 CFR 261.50(a) and (b) the following acts are prohibited in the area as described in this Order and as depicted on the attached map hereby incorporated into this Order as Exhibit A (the "restricted area"), within the Southwestern Region National Forests and National Grasslands in the states of New Mexico, Arizona, Texas, and Oklahoma.

## PROHIBITIONS:

1. Using an explosive; an explosive is defined as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. **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 J335b and J350a. **36 CFR § 261.52(j)**

## EXEMPTIONS:

Pursuant to 36 CFR § 261.50(e) the following persons are exempt from this Order:

1. Persons with a Forest Service permit or authorization 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. Any person engaged in the use of black powder or other muzzleloader propellant, and the use of its associated ignition source, for legal hunting or recreational shooting with a muzzleloader.

## RESTRICTED AREA:

The restricted area includes the following National Forests and Grasslands:

NEW MEXICO
Carson National Forest
Cibola National Forest
Gila National Forest
Lincoln National Forest
Santa Fe National Forest
Kiowa National Grassland

ARIZONA
Apache-Sitgreaves National Forest
Coconino National Forest Service
Coronado National Forest
Kaibab National Forest
Prescott National Forest
Tonto National Forest

OKLAHOMA/TEXAS
Black Kettle & McClellan Creek Grasslands
Rita Blanca National Grassland

**PURPOSE:**

The purpose of this Order is for the protection of public health and safety.

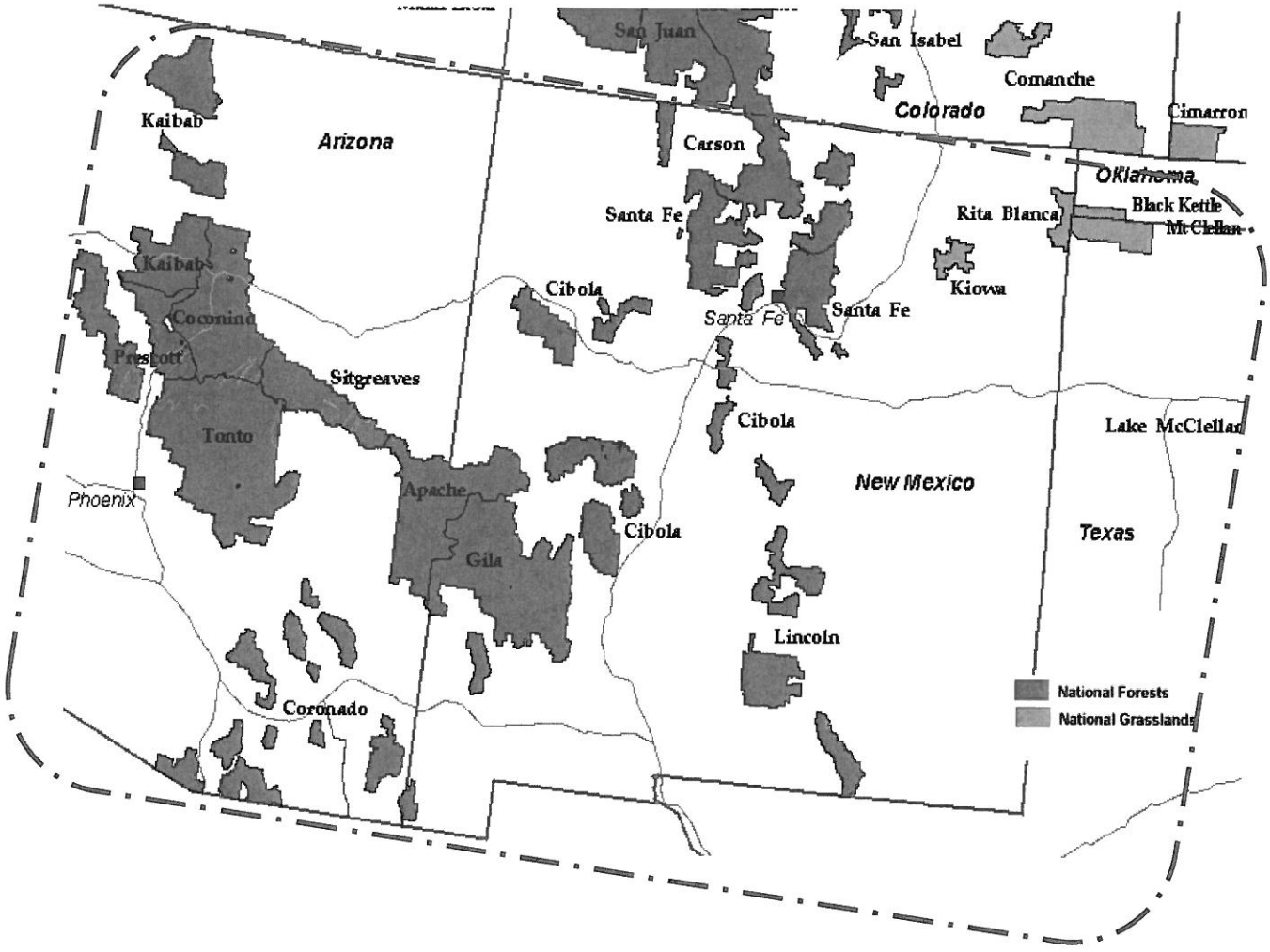
**IMPLEMENTATION:**

1. This Order will be in effect on the date signed and shall remain in effect until rescinded or until June 1, 2017, whichever event occurs first.
2. Any violation of this prohibition 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 (6) months, or both. [Title 16 USC 551, Title 18 USC 3559, 3571 and 3581].
3. This Order supersedes, rescinds, and replaces any previous orders prohibiting the same acts covered by this Order.

Done at Albuquerque, New Mexico this 22nd day of April, 2015.

CALVIN N. JOYNER
Regional Forester
Southwestern Region

## Exhibit A


San Juan
San Isabel
Comanche
Colorado
Cimarron
Kaibab
Arizona
Carson
Oklahoma
Black Kettle
McClellan
Santa Fe
Rita Blanca
Kaibab
Kiowa
Cibola
Santa Fe
Santa Fe
Coconino
Prescott
Sitgreaves
Cibola
Lake McClellan
Tonto
New Mexico
Phoenix
Apache
Cibola
Texas
Gila
Lincoln
National Forests
National Grasslands
Coronado

## ASSESSMENT OF NEEDS

### For the Southwestern Region Forest Order Number: R03-004

**1. Background:** The Southwestern Region is proposing to temporarily:

Restrict the possession, discharge, operation, or transport of any explosive or pyrotechnic device on National Forest Lands. The restricted areas are indicated on the attached map, hereby incorporated into this order as Exhibit A. Any Forest Lands contained within the RED dashed lines will be illustrated as a restricted area of the order.

**2. Intent of order:**

The purpose of this order is for the protection of public health and safety and the reduction of safety hazards across the Southwestern Region. The articles listed in the restrictions have been known to pose safety hazards to the public and employees as well as the increased possibility of fires.

**3. Category of Proposed Action:**

The proposed action falls under Category Number 1, in section 31.12, chapter 30 of the Forest Service Handbook 1909.15 - Environmental Policy and Procedures Handbook: *Orders issued pursuant to 36 CFR Part 261 – Prohibitions to provide short-term resource protection or to protect public health and safety.* Based on the review of the current situation, public use, specialist input, environmental analysis of the proposal and past experience, the effects of implementing the action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environment.

**4. Enforcement Plan:**

The following activities will occur in order to implement this special order in a manner that results in public compliance and safety.

a. The order and closure signs will be placed region wide in a manner which is clearly visible to the public and employees. Law Enforcement Officers and Forest Protection Officers will patrol region-wide to ensure compliance is met. Maps indicating the restricted areas will be attached to the order.

| Action | Responsible Official | Date |
|---|---|---|
| Prepare proposed order | Dan Reed, Patrol Captain, Cibola National Forest | 4/2015 |
| Review proposed order | Aban Lucero, Regional Patrol Commander, Southwestern | 4/2015 |

| | | |
|---|---|---|
| Review proposed Order | OGC | 4/2015 |
| Approve proposed order | Calvin N. Joyner, Regional Forester, Southwestern Region | 4/2015 |
| Post in accordance with 36 CFR 261.51 | District Personnel | 5/2015 |
| Prepare news release for contacts | Regional Office, PAO | 5/2015 |

Enforcement Plan approved for implementation:

Calvin N. Joyner

CALVIN N. JOYNER
Regional Forester
Southwestern Region

4/24/15

DATE

# ENFORCEMENT PLAN

## Southwestern Region Order Number: R03-004

### Scope

Order Number _R03-004_, to be signed by the Southwestern Regional Forester will restrict specified activities on all National Forest System (NFS) lands (maps attached). The Order will be in effect when signed and will remain in effect until June 1, 2017 or until rescinded, whichever occurs first.

This order is a consolidation of existing orders to have consistent wording for ease of use with employees and visitors.

### Posting

The Order will be posted in each of the Southwestern Region's Supervisor's Office and at each Ranger District office as required in 36 CFR 261.51. Copies of the Order will also be posted at dispersed campsites, developed recreation sites, trailheads, parking areas and access points into NFS lands.

### Coordination With Other Agencies

The Forest Service will notify each Sheriff's Office in counties whose jurisdictions are within the scope of the Order concerning the closure and advise them of the appropriate response to violations, if there is a request to assist the Forest Service.

### Patrol Activities

All District employees and Law Enforcement Officers will patrol on a regular basis to assure that the posting of the Order is adequate, maintained, and in compliance. Certified Forest Protection Officers will contact violators within the restricted areas. It is will be the responsibility of all Forest Service employees to contact visitors and take appropriate action on violators.

Patrolling of the areas will take place anytime of the day Sunday through Saturday. Appropriate schedules for patrolling will be established. All employees are encouraged to make visitor contacts with appropriate training. Patrolling will be more concentrated during the period immediately following signing of the Order, weekends, holidays and special events.

### Enforcement Strategies

Emphasis will be placed on informing the public of the restrictions in the hope of avoiding violations. Posting of the Order and maps will be inspected periodically by Forest Service employees.

A uniformed Forest Service employee with FPO status will contact any persons found in violation of the prohibitions listed in the Order. Other employees will make visitor

information contacts and notify appropriate Law Enforcement staff of violation of restrictions. Violators will be advised of the restrictions and the actions needed to meet compliance. The violators will be identified. A Violation Notice or Warning Notice may be issued, and they will be required to vacate the area where the violation occurred.

## Access

The Order will not adversely impact access into the areas beyond existing restrictions. The restrictions will be monitored to determine if any visitors have violated the prohibitions listed in the Order.

## Persons Authorized to be in the Restricted Area

Order Number: ___R03-004___ exempts:

- Persons with a USDA Forest Service permit specifically authorizing the otherwise prohibited act or omission.

- Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

## Media Access

The Order will not adversely impact the media.

# CIVIL RIGHTS IMPACT ANALYSIS

## Southwestern Region Order Number: R03-004

## Order for National Forest System Lands in the Southwestern Region - New Mexico, Arizona, Oklahoma, and Texas.

### Introduction

The Southwestern Region proposes to restrict specific activities for all National Forest System (NFS) lands by a Regional Forester's Order. The purpose of the Order is to protect Forest lands, visitors, and employees.

The Order will restrict activities specified on NFS lands, National Forests with the exceptions of agency employees, contractors or subcontractors of permitted users of these areas and any Federal, State, or local officer or member of an organized rescue or firefighting force in the performance of an official duty.

The Order will affect individuals year-round. Effects of this consolidated order will be the same as the individual orders issued over the last 2 to 20 years.

### Civil Rights Impact Statement

The Order will have no impacts on civil rights, as the prohibitions will apply to all individuals equally unless listed above as excepted individuals. No one group will be affected more than another group.