ORDER NO. 03-0645

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
CIBOLA NATIONAL FOREST AND NATIONAL GRASSLANDS

OCCUPANCY AND USE CLOSURE

Pursuant to 16 USC 551 and Title 36 CFR 261.50(a) and (b), the following acts are prohibited within the areas as described in this Order (the “restricted area”) and as depicted on the attached map, hereby incorporated into this Order as Exhibit A, within the Cibola National Forest and National Grasslands, in the States of New Mexico, Texas and Oklahoma.

PROHIBITIONS:

1. Camping for more than 14 days, whether or not consecutive, within any 45-day period. 36 CFR 261.58(a)

2. Possessing a beverage which is defined as an alcoholic beverage by state law. 36 CFR 261.58(bb)

3. Being publicly nude. 36 CFR 261.58(j)
   Publicly nude means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or the genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude. See 36 CFR 261.2.

EXEMPTIONS:

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

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

2. Persons 21 years of age or older and not otherwise under any legal restriction against possession of alcoholic beverages.

3. Persons with a Forest Service permit specifically exempting them from the effect of this Order. Such permits will require compliance with New Mexico Statute 30-9-14 for Indecent Exposure. This Statute specifies: A. Indecent exposure consists of a person knowingly and intentionally exposing his primary genital area to public view; B. As used in this section, “primary genital area” means the mons pubis, penis, testicles, mons veneris, vulva or vagina.
RESTRICTED AREAS:

This order includes all the National Forest System lands located within the Cibola National Forest and National Grasslands and further identified as being within the boundaries of the following:

Mt. Taylor Ranger District
Magdalena Ranger District
Mountainair Ranger District
Sandia Ranger District
Black Kettle-McClellan Creek National Grasslands
Kiowa-Rita Blanca National Grasslands

PURPOSE:

The purpose of this Order is to protect resources and to provide for public health and safety.

IMPLEMENTATION:

1. This Order will be in effect when signed and shall remain in effect until February 28, 2023 or until rescinded, whichever 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 the Order.

Done at Albuquerque, New Mexico, this 23rd day of January, 2018.

[Signature]

ELAINE B. KOHRMAN
Forest Supervisor
Cibola National Forest and National Grasslands
Assessment of Need (Justification), Enforcement Plan and CRIA

1. **Background.** The Cibola National Forest and National Grasslands still has the need to limit the stay of the visitors to lessen the opportunity of residency and; to comply with State Law prohibiting the consumption of alcoholic beverages by persons under the age of 21 and; to protect general visitors sensitive to public nudity from human disturbance to include families, school groups and visitors visiting National Forest lands. An Order is needed to be able to cite persons unwilling to comply with the special order.

2. **Intent of Subpart B order.** This order is written to provide for public health and safety on the Cibola National Forest and National Grasslands.

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:

<table>
<thead>
<tr>
<th>Action</th>
<th>Responsible Official</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prepare proposed order</td>
<td>Responsible Staff, Cibola National Forest</td>
<td>02/22/2018</td>
</tr>
<tr>
<td>Review proposed order (Law Enforcement)</td>
<td>Dan Reed, Patrol Captain, Southwestern Region, USFS</td>
<td>02/23/2018</td>
</tr>
<tr>
<td>Approve proposed order</td>
<td>Elaine B. Kohrman, Forest Supervisor, Cibola National Forest and National Grasslands</td>
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<tr>
<td>Post order in accordance with 36 CFR 261.51</td>
<td>Volunteers, Forest Service LEOs and FPOs, and all available staffs</td>
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<tr>
<td>Prepare news release for local media describing the order and management objectives/post to website/notify COIDC/copy to each receptionist/frontliners</td>
<td>PAO</td>
<td></td>
</tr>
<tr>
<td>Notices will be used at trailheads and access points advising of the closure for implementation.</td>
<td>Appropriate Staff Law Enforcement Officers Forest Protection Officers Cibola National Forest Employees and Volunteers</td>
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</tbody>
</table>

Enforcement Plan approved for implementation:

[Signature]
FOREST SUPERVISOR

[Signature]
DATE