



**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
LINCOLN NATIONAL FOREST
CLOUDCROFT RANGER DISTRICT
TUNNEL VISTA EMERGENCY AREA CLOSURE**

PROHIBITIONS:

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.53(a), the following acts are prohibited within the area described in this Order (the “Restricted Area”), and as depicted on the attached Map, incorporated into this Order as Exhibit A, the “Restricted Area,” all within the Cloudcroft Ranger District, Otero County, Lincoln National Forest, New Mexico:

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

EXEMPTIONS:

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

1. Persons with a Forest Service permit specifically exempting them from the effect of this Order.
2. Owners or lessees of land in the area for the sole purpose of access to their private lands.
3. Residents in the area for the sole purpose of access to their residence.
4. Any Federal, State, or local officer, or member of any organized rescue, fire fighting force or department of transportation employee or delegate in the performance of official duty.

RESTRICTED AREA:

The Restricted Area refers to all lands within the boundary starting at the western edge of the Tunnel Vista Observation Site (including the parking area and extended pullout area west of the parking area), then continuing north for approximately 500 feet downhill to Fresnal Creek, then continuing east along the southern bank of Fresnal Creek for approximately 2000 feet, then continuing south back uphill (for approximately 500 feet from the bottom of the canyon), until reaching Highway 82, then continuing west along the north side of Highway 82, back to the western edge of The Tunnel Vista Observation Site. Note that the Restricted Area does not encompass Highway 82, or the Tunnel itself, both of which remain open.

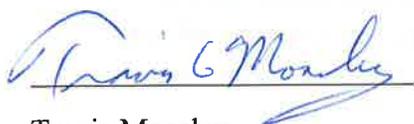
PURPOSE:

The purpose of this Order is to provide for public health and safety during hazardous material clean up operations in the Tunnel Vista Observation Site area.

IMPLEMENTATION:

1. This Order will be effective on on Tuesday, May 22, 2019 at 12:01 am, and will remain in effect until 11:59pm am on June 21, 2019, or until rescinded, whichever occurs first.
2. A Map identifying the area and road closures is attached and made part of this Order.
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. This Order supersedes any previous orders prohibiting the same act covered by this Order.

Done at Alamogordo, New Mexico this 21th day of May, 2019.



Travis Moseley
Forest Supervisor
Lincoln National Forest

5/20/19

Date

Assessment of Need (Justification), CRIS and Enforcement Plan

1. **Background:** The Cloudcroft Ranger District of the Lincoln National Forest is 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 during Hazmat clean up operations. 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:** The purpose of this Order is for the protection of public health and safety during the implementation of Hazmat cleanup 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:

<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Randall Chavez, District Ranger, Lincoln National Forest, Cloudcroft Ranger District	05/21/19
Review proposed order (Law Enforcement)	Canuto Molina, Patrol Captain, Southwestern Region, USFS	05/21/19
Approve proposed order	Travis Moseley, Forest Supervisor, Lincoln National Forest	05/21/19
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:


 FOREST SUPERVISOR

5/20/19
 DATE

