Order No. 19-03
USDA Forest Service
Pacific Southwest Region

Pursuant to 16 USC 551 and 36 CFR 261.50 (a) and (b), and to provide for public safety, the following acts are prohibited on National Forest System lands within the State of California under my jurisdiction. This Order is effective from October 4, 2019, through October 3, 2021.

Possession of an alcoholic beverage in the following situations:

a. In an open container in a motor vehicle or off-highway vehicle or

b. By any person under 21 years of age.

36 CFR 261.58(bb).

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

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

These prohibitions are in addition to the general prohibitions contained in 36 CFR Part 261, Subpart A.

A violation of these prohibitions is punishable by a fine of not more than $5,000 for an individual or $10,000 for an organization, or imprisonment for not more than 6 months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

Done at Vallejo, California, this 29th day of July 2019.

RANDY MOORE
Regional Forester
Pacific Southwest Region

USDA United States Department of Agriculture | Forest Service | Pacific Southwest Region | Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8859 Voice
(707) 562-9240 Text (TDD)

Date: July 29, 2019

To: File

Subject: Regional Order – Alcohol Restrictions (Regional Order 19-03)

From: Randy Moore, Regional Forester

As Regional Forester of the USDA Forest Service Pacific Southwest Region, I have decided to issue a Regional Order to provide for public safety. Specifically, the following acts are prohibited by this Order on National Forest System Lands, roads, and trails within the State of California under my jurisdiction.

Possession of an alcoholic beverage in the following situations:

a. In an open container in a motor vehicle or off-highway vehicle or

b. By any person under 21 years of age.

36 CFR 261.58(bb).

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

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

This Order is in effect from October 4, 2019, through October 3, 2021.

There are 18 National Forests in California, totaling approximately 20 million acres, with approximately 43,300 miles of roads open to public motor vehicles. Of these roads, approximately 35,000 miles are open to non-highway legal vehicles. On May 22, 1998, the Regional Forester issued Regional Order No. 98-1, which addressed alcohol possession issues. In the last ten years since Jan 1, 2009, there have been 2,144 violation notices and incident reports issued under that Regional Order. As we continue our efforts to provide for public safety, federal officers continue to identify trends resulting from patrol efforts and law enforcement contacts.

Motor vehicle crashes are the leading cause of death for Americans age 2 and 33. Motor vehicle crash injuries are a major health problem in the United States. Alcohol related crashes are a substantial portion of this problem.

Key Facts:

- Alcohol involvement remains the leading factor in motor vehicle deaths.
- Impaired driving is the most frequently committed violent crime in the United States.
- While 6 percent of all police reported crashed involve alcohol use, 41 percent of all fatal crashes involve the use of alcohol.
- Every 30 minutes, someone is killed in the United States in an alcohol-related crash.
- It is estimated that alcohol-related crashes in the United States have an annual cost of more than $50 billion.

See open Container Laws, National Highway Traffic Safety Administration, April 2004. In 1998, as part of the Transportation Equity Act for the 21st Century, a new Federal program was established to encourage states to adopt laws that prohibit the possession and consumption of alcoholic beverages in the passenger areas of a motor vehicle. See 23 USC § 154(c). Under this Section, if a state does not achieve compliance with the federal program requirements a portion of that state's federal aid for highway construction will be redirected to support programs such as alcohol-impaired driving countermeasures and enforcement of drunk driving laws. This Regional Order furthers the purpose of this Act. Underage drinking cost the citizens of California about 6.8 billion in 2010. These costs include medical care, work loss, and pain and suffering associated with the multiple problems resulting from the use of alcohol by youth.

Underage drinking in California leads to substantial harm during to traffic crashes, violent crime, property crime, unintentional injury, and risky sex.

- During 2009, and estimated 141 traffic fatalities and 7,552 non-fatal injuries were attributable to driving after underage drinking.
- In 2009, an estimated; 239 homicides, 114,500 non-fatal violent crimes such as rape, robbery and assault, and 179,000 property crimes including burglary, larceny, and car theft were attributable to underage drinking.
- In 2007, an estimated 28 alcohol involved fatal burns, drownings, and suicides were attributable to underage drinking.

See Underage Drinking in California, The Facts, Produced by the Pacific Institute for Research and Evaluation (PIRE), September 2011.

Since the issuance of the OHV-related Executive Orders 11644 and 11989 in the 1970s, major advances in motor vehicle technology along with increases in the number of OHV recreationists have occurred. Completely new classes of vehicles such as all-terrain vehicles (ATVs), recreation utility vehicles, and recreation utility vehicles, and sport utility vehicles are widely used on public lands and are growing in popularity. For example, from 1997 to 2001, the number of ATVs in use increased by almost 40 percent, the number of ATV drivers grew by almost 36 percent, and the number of ATV driving hours increased by 50 percent (Heiden 2003, http://www.heideninc.com.cases). These national trends, documented through personal observations and visitor use monitory are occurring on National Forest System lands throughout

California. These additional motor vehicles on National Forest System lands increases the potential of open container violations and associated law enforcement problems.
The use of motor vehicles for transportation, recreation access, and as a form of recreation (particularly OHV use) has increased 109 percent since the early 1980s (H. Cordell, 2004, http://www.srs.fs.usda.gov.trends.or2lc.html). Additionally, there has been an increase in both accidents and fatalities (see http://www.theeale.com/stories/060307/health20070603037.php), because of the remote nature of some National Forest System lands in California, emergency response times may be lengthy and access to injured parties may be difficult. In addition, the California Highway Patrol and various Sheriff's Departments often do not have sufficient resources to respond to all accidents and violations occurring on these lands. Given these issues, the increased use of National Forest System lands and documented increase in accidents and fatalities; it is critical that the Forest Service take action to provide for public safety.

Scoping for prior alcohol restriction orders was conducted with key stakeholders to help determine whether significant issues existed with addressing alcoholic beverage issues on National Forest System lands under my jurisdiction. Key stakeholder contacts took place with the California Highway Patrol and California State Parks Off-Highway Motor Vehicle Recreation Division.

I have concluded that this decision may be categorically excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) under the National Environmental Policy Act. This action falls within the category identified in 36 CFR 220.6(d)(1) – prohibitions to provide short-term resource protection or to protect public health and safety – and does not require documentation in a decision memo, decision notice, or record of decision. I have determined that there are no extraordinary circumstances associated with this temporary closure. Implementation of the decision may begin immediately.