



ORDER NUMBER: 09 - 028

**ORDER OF THE FOREST SUPERVISOR
RESTRICTING ALLEGHENY NATIONAL FOREST, TO WIT:**

POSSESSION OF CONTROLLED SUBSTANCES

ALLEGHENY NATIONAL FOREST

Under the authority of the Act of Congress dated June 4, 1897, as amended (16 USC 551) and the Secretary of Agriculture’s regulation 36 CFR 261.50 (a) and (b), the following act is prohibited on the Allegheny National Forest, located within Elk, Warren, Forest and McKean Counties, Commonwealth of Pennsylvania.

For the protection of public safety it is prohibited to Possess, utilize, and/or distribute a controlled substance (as defined by Title 21 of the United States Code, Chapter 13, Subchapter I, Part B, Section 812) or any associated paraphernalia. (36 CFR 261.53 (e))

THIS RESTRICTION IS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY AS WELL AS FOREST SERVICE PROPERTY AND RESOURCES. THEY ARE IN ADDITION TO THE GENERAL PROHIBITIONS SET FORTH IN 36 CFR PART 261. THE PROHIBITIONS WILL BE IN EFFECT FROM THE DATE OF THIS ORDER UNTIL SPECIFICALLY WITHDRAWN BY TERMINATION ORDER OF THE FOREST SUPERVISOR.

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.

Violation of these prohibitions is punishable by a fine of not more than \$5000.00 for an individual or \$10,000.00 for an organization, or imprisonment for not more than six (6) months, or both (16 U.S.C. 551, 18 U.S.C. 3559 and 3571).

Done at Warren, Pennsylvania, this _____ day of _____, 2009.

Leanne M. Marten
Forest Supervisor
Allegheny National Forest

**Allegheny National Forest
Forest Order Number 09 – 026
Possession of Controlled Substances
Implementation and Enforcement Plan**

PUBLIC NOTICE

1. Copies of the approved order and attachments shall be made available to the public at all District Ranger Stations as well as the office of the Forest Supervisor.
2. Contents of the order shall be posted on the forest website.

ENFORCEMENT

1. Enforcement of this closure order shall be limited to Law enforcement Officers and Special Agents. Forest Protection Officers observing a violation of this order shall notify LEOs or local authorities.
2. All violations of the closure order shall be documented using appropriate law enforcement forms.
3. Officers shall use appropriate discretion in the issuance of warnings and violation notices.

STATEMENT OF NEED

The purpose of this order is to provide law enforcement officers with the legal tools needed to deal with a growing problem of narcotics use on the National Forests. This order is intended to address those simple possession cases often encountered during routine patrol operations and is not intended to replace existing federal and state laws such as Title 21 of the United States Code.

This order will replace the current order on the Allegheny National Forest pertaining to the use and/or possession of cannabis under Title 36 CFR Section 261.58 (t). The United States Attorney's office in the Western District of Pennsylvania has indicated, via a written letter and conversation, that the order written under 36CFR261.58 (t) is inappropriate. With that, they have issued a letter indicating their support for implementing this order.