Order #R2-2011-01

REGIONAL ORDER
Occupancy and Use Restrictions
Rocky Mountain Region

Pursuant to Title 16 United States Code ("USC") § 551, and Title 36 Code of Federal regulations ("CFR") § 261.50(a) and (b), the following acts are prohibited on all National Forest System lands administered as National Forests or National Grasslands within the Rocky Mountain Region (Region 2) of the United States Department of Agriculture – Forest Service in the states of Colorado, Kansas, Nebraska, South Dakota, and/or Wyoming. This Regional Order is supplemental to and does not rescind or replace those restrictions at 36 CFR 261 Subpart A, and/or any Forest Supervisor Order issued under 36 CFR 261 Subpart B. This Regional Order is necessary to protect public health and safety and to provide the public with consistent public health and safety restrictions in the Rocky Mountain Region.

National Forest	National Grassland
Arapaho & Roosevelt	Pawnee
Bighorn	Thunder Basin
Black Hills	Buffalo Gap
Grand Mesa, Uncompahgre and Gunnison	Fort Pierre
Medicine Bow & Routt	Oglala
Nebraska & Samuel R. McKelvie	Cimarron
Pike & San Isabel	Comanche
Rio Grande	
San Juan	
Shoshone	
White River	

PROHIBITIONS

1. Operating any motor vehicle on National Forest System roads in violation of applicable state, county, or local government law, regulation and/or ordinance relating to the use and possession of motor vehicles. 36 CFR § 261.54(d).

2. Operating a vehicle carelessly, recklessly or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property on National Forest System roads. 36 CFR § 261.54(f)

3. Parking or leaving a vehicle in violation of posted instructions. 36 CFR § 261.58(g)

4. Using a National Forest System road for commercial hauling without a permit or written authorization from the Forest Service. 36 CFR § 261.54(c)

5. Possessing or consuming a beverage which is defined as an alcoholic beverage by applicable state law. 36 CFR § 261.58 (bb)

6. Possessing, storing or transporting Cannabis plant/s or part thereof or any controlled substance derived from the manufacture of Cannabis plant/s as defined or classified under Title 21 USC § 802 (16) as Marijuana. 36 CFR § 261.58(t)

7. Possessing, discharging, or using any kind of firework or pyrotechnic device. 36 CFR § 261.52(f)

8. 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 (as amended); or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). 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 specifically authorizing the otherwise prohibited act or omission.

2. Persons utilizing motorized vehicles to provide incidental services for holders of National Forest System in-holdings, for holders of Forest Service recreational special use authorizations, and/or for authorized public services are exempt from Prohibition 4. "Incidental" is defined for the purposes of this Regional Order as the occasional delivery of fuel, food, and other necessary supplies, or provision of services to the above described holders and/or authorized users.

3. Persons who have attained the age of 21 years are exempt from Prohibition 5 to the extent not otherwise restricted by applicable Federal, State, or local law.

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

In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, the remainder of this Order shall remain in force and effect.

This Regional Order shall be in effect from January 3, 2011 until December 31, 2013, or until rescinded, whichever event occurs first.

Done at Golden, Colorado this 3rd day of January, 2011.

Antoine Dixon
Acting Regional Forester
Rocky Mountain Region

Violation of Title 36 Code of Federal Regulations ("36 CFR") are punishable as a Class B misdemeanor, by a fine of not more than $5,000 for an individual or $10,000 for a legal entity other than an individual, or imprisonment for not more than six (6) months, or both (16 U.S.C. § 551 and 18 U.S.C. §§ 3559 and 3571).