

# ORDER NO 309

## UNITED STATES DEPARTMENT OF AGRICULTURE

### Cherokee National Forest

### Forest Wide Closure

Pursuant to 36 CFR, Section 261.50 (a) and (b), the following acts or omissions are prohibited on all lands, which comprise the Cherokee National Forest, shown on the attached map.

#### USE OF MOTORIZED VEHICLES ON AND OFF NATIONAL FOREST SYSTEM ROADS

1. Possession or use of a vehicle off of National Forest System Roads.  
**36 CFR 261.56**
2. Operating or using any internal or external combustion engine on National Forest lands, without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service, Standard 5100-1a; or (2) appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). **36 CFR 261.52j**
3. Operating or using a motor vehicle that emits a noise in excess of: eighty-six (86) decibels at fifty (50) feet at a speed of thirty-five (35) miles per hour or less; ninety (90) decibels at fifty (50) feet, at speeds exceeding thirty-five (35) miles per hour. **36 CFR 261.53e**
4. Operating a motor vehicle in violation of state law. **36 CFR 261.54d**
5. Operating a motor vehicle on a National Forest System Road 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. **36 CFR 261.54f**
6. Driving or being in control of any automobile or other motor driven vehicle on a National Forest System Road while under the influence of alcohol and/or drugs.  
**36 CFR 261.54d**
7. Unauthorized commercial use of any National Forest System Road  
**36 CFR 261.54c**
8. Being on a closed road **36 CFR 261.54e**
9. Operating an OHV on a National Forest System Road **36 CFR 261.54e**
10. Operating a motor vehicle on a non-designated trail. **36CFR 261.55b**

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

1. Persons with a special use permit specifically authorizing the otherwise prohibited act or omission.

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

Executed in Cleveland, Tennessee, this twentieth day of February 2007

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H. THOMAS SPEAKS, JR.  
Forest Supervisor  
Cherokee National Forest

**ORDER EXPIRES FIVE (5) YEARS FROM DATE OF SIGNATURE**

Violation of the prohibitions set forth above is punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than six (6) months, or both. See 16 U.S.C. 551, 18 U.S.C. 3559 and 3571.

CIVIL RIGHTS, NEPA  
CHEROKEE NATIONAL FOREST  
SUPERVISOR'S ORDER

CIVIL RIGHTS:

Major civil rights impacts are those consequences of proposed policy actions that, if implemented, would negatively and disproportionately affect groups or classes of people by virtue of their race, color, sex, national origin, age, religion, family status, or disability. The deciding officer has considered the impact of this proposal (to prohibit the use of motorized vehicles on and off National Forest System Roads as it pertains to the particular 36 CFR Subpart B Orders (261.52j, 261.53e, 261.54c, 261.54d, 261.54e, 261.54f, 261.55b, and 261.56) on the civil rights of minorities, women, persons with disabilities, and other protected groups. In considering the effects of the proposal action, it was determined that the civil rights of any protected group or class of people would not be affected by this closure.

DURATION:

Five (5) years from date of signature

NEPA JUSTIFICATION:

This action is consistent with FSH1909.15 31.11 and 31.12 and the Revised Land and Resource Management Plan, Cherokee National Forest. No extraordinary circumstances exist that might cause the action to have significant environmental effects. Therefore, this action is categorically excluded from documentation in an environmental assessment or environmental impact statement. No additional NEPA documentation is required to proceed with implementation of this Order.

AGENCY: USDA-Forest Service, Cherokee National Forest

Contact: Forest Supervisor

Date: February 1, 2007

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H. THOMAS SPEAKS, JR.  
Forest Supervisor