



UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
CARSON NATIONAL FOREST

**PROHIBITIONS**

Pursuant to 16 USC 551 and 36 CFR 261.50 (a), the following acts are prohibited within the area as described in this Order, and as depicted on the attached map hereby incorporated into this Order as Exhibit A (the “restricted area”), within the Questa Ranger District, Carson National Forest, in the state of New Mexico.

1. **It is prohibited to go into or be upon the restricted area surrounding and including Cabresto Dam, 36 CFR 261.53(e)**

**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. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
3. Persons engaged in a business, trade or occupation in the area.

**RESTRICTED AREA**

Portions of land located within T.29 9 N., R.13 E., Section(s) 13, 24, as described here and wholly contained within the boundaries of the Lake Fork watershed, a tributary of Cabresto Creek, from the junction of Forest Road 134 and 134 A to a point immediately above Cabresto Dam and Reservoir, including trails and roads, more specifically depicted on the attached Closure Map.

**PURPOSE**

The purpose of this Order is to provide for public health and safety and to protect facility resources during the re-construction of the Cabresto Dam and Reservoir.

**IMPLEMENTATION**

1. This Order is effective May 14, 2012 and will remain in effect until December 31, 2012 or until rescinded.
2. Any violation of this prohibition is punishable as a Class B misdemeanor by a fine of not more than \$5,000.00 for individuals and \$10,000.00 for organizations, or by imprisonment for not more than six (6) months, or both. [Title 16 USC 551, Title 18 USC 3559, 3571, and 3581]

This Order supersedes, rescinds, and replaces any previous orders prohibiting the same acts covered by the Order.

Done at Taos, New Mexico, this 1st day of MAY, 2012.

A handwritten signature in cursive script that reads "Diana M. Trujillo".  
DIANA M. TRUJILLO  
Acting Forest Supervisor  
Carson National Forest

Assessment of Need (Justification) and Enforcement Plan

1. Background: To reduce or eliminate unplanned entry in affected area as described in this Order and depicted on the attached map (see Special Area Closure map attached to Order No. 02-408). An order is needed to be able to cite persons unwilling to comply with the closure.
2. Intent of Subpart B order: This order is written to protect resources and to provide for public health and safety due to entry into active site restoration/construction on the Questa Ranger District.
3. NEPA Compliance: The Forest Service has prepared an Environmental Assessment in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. The Environmental Assessment discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives.
4. 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	Greg Miller, Carson NF	4/23/2012
Review proposed order (Law Enforcement)	Chad Scussel, Patrol Captain, Southwest Region, USFS	4/30/2012
Approve proposed order	Diana M. Trujillo, Acting Forest Supervisor, Carson National Forest	5/4/2012
Post order in accordance with 36 CFR 261.51	Volunteers, Forest Service LEOs and FPOs, and all available staffs	5/7/2012
Prepare news release for local media describing the order and management objectives. Post to website/notify COIDC/ copy to each receptionist/frontliner	PAO	5/7/2012
Notices will be used at picnic areas and access points advising of closure for implementation in the 2012 visitor use season.	Appropriate Staff, Law Enforcement Officers Forest Protection Officers Carson National Forest employees Volunteers	On-going