

Special Restriction
Custer Peak Temporary Area Closure
USDA - FOREST SERVICE
BLACK HILLS NATIONAL FOREST

Pursuant to 16 U.S.C § 551 and 36 C.F.R § 261.50 (a) and (b), the following acts are prohibited within the Black Hills National Forest located in Lawrence County, South Dakota on National Forest System Lands, Custer Peak Fire Lookout Area (hereinafter the "Restricted Area") and on all roads and trails located within the Restricted Area (the "Restricted Roads and Trails") as shown on the attached map. This order is needed to provide for public health and safety by limiting nonessential use by the public during periods of very high or extreme fire danger in the Custer Peak Fire Lookout Area.

PROHIBITIONS ON THE RESTRICTED AREA AND ON THE RESTRICTED ROADS AND TRAILS, effective immediately between the hours of 0800-1800 daily until October 31, 2012 unless rescinded sooner:

- (1) Being in the Restricted Area, 36 C.F.R.§ 261.53(e).
- (2) Being on the Restricted Roads, 36 C.F.R. § 261.54(e).
- (3) Being on the Restricted Trails, 36 C.F.R.§ 261.55(a).

Pursuant to 36 C.F.R § 261.50(e), the following are EXEMPT from the 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 firefighting force engaged in the performance of an official duty.

This Order takes effect immediately and shall be in effect until October 31, 2012 or until rescinded, whichever event occurs first.

Done at Custer, South Dakota, this 20th day of July, 2012

/s/ Craig Bobzien

CRAIG BOBZIEN

Forest Supervisor

Violations of this prohibition are punishable by imprisonment for not more than six (6) months, a fine of not more than \$5,000 or both. *Title 16, United States Code, Section 551, Title 18, United States Code, Section 3571.*

BKF-2012-121

Custer Peak Closure Order

Management Objectives

(Include narrative statement of the management objectives associated with this Special Order).

This Order is needed to provide safety to the public and the Northern Hills Ranger District fire personnel during periods of very high or extreme fire danger. This area has been severely impacted by mountain pine beetles. The road is very narrow and there is concern that should a fire start in the area the public and fire personnel could not evacuate the Custer Peak Fire Lookout in a timely manner. This area is popular view point with the public and OHV traffic. Fire personnel would like this order in effect during the hours personnel are staffing the lookout tower from 0800 to 1800 daily.



SUBPART B

ORDER REQUEST JUSTIFICATION FORM
ORDER NUMBER: BKF-2012-121

SUBMIT THE FOLLOWING INFORMATION:

STATE THE DESIRED ACT: Being in the Custer Peak Fire Lookout Area during periods of very high or extreme fire danger between the hours of 0800-1800 daily as shown in Appendix A, 36 C.F.R. § 261.53(e).

1. REASON FOR THE ORDER: Public and fire personnel safety.
2. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? (N)
 - DESCRIBE: A Forest Service employee will place barricades at the entrance of the Custer Peak Fire Lookout road during very high or extreme fire danger when the tower is closed to the public.
3. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: From July 20, 2012 until October 31, 2012 unless rescinded earlier.
4. LIST THOSE EXEMPT FROM THE 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 firefighting force engaged in the performance of an official duty.**
5. HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED? (Y)
 - a. WHO WILL ENFORCE THE ORDER? . LEO's and FPO's
 - b. WHO WILL ENSURE PROPER SIGNING? Forest Service employees.
6. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT? (N). This is a temporary order.
7. HAS THE PUBLIC BEEN NOTIFIED? (Y)
 - c. DESCRIBE HOW: The public will be notified through a media release and barricades, and signing at the entrance points of the road and OHV trails.

8. COMPLETE THE ORDER USING THIS CHECKLIST.

When complete, forward the original request to the Supervisor's Office, Attention: Supervisory Law Enforcement Officer. The request will be routed to the appropriate Staff Officer, Public Information Officer, and Forest Supervisor.

Recommended: /s/ Bryan Karchut July 19, 2012
District Specialist (Bryan Karchut North Zone FMO) Date

Reviewed: N/A _____
District Ranger, Bearlodge Date

Reviewed: N/A _____
District Ranger, Hell Canyon Date

Reviewed: N/A _____
District Ranger, Mystic Date

Reviewed: /s/ Rhonda O'Byrne July 20, 2012
District Ranger, Northern Hills (Rhonda L. O'Byrne) Date

Reviewed: N/A _____
South Zone Law Enforcement Officer Date

Reviewed: /s/ TJ Friend July 19, 2012
North Zone Law Enforcement Officer (TJ Friend) Date

Reviewed: /s/ Nancy Martinz July 17, 2012
North Zone Patrol Captain (Nancy Martinz) Date

Reviewed: /s/ Thomas Japhet July 17, 2012
Office of General Counsel (Thomas Japhet) Date

Reviewed: /s/ Pam Wilhelm July 20, 2012
Public Information Officer (Pam Wilhelm) Date

Reviewed: /s/ Dave Mertz July 20, 2012
Forest Staff Officer (Dave Mertz) Date