



UNITED STATES DEPARTMENT OF AGRICULTURE  
U.S. FOREST SERVICE  
CARSON NATIONAL FOREST  
QUESTA RANGER DISTRICT

WILDLIFE HABITAT PROTECTION VALLE VIDAL UNIT AREA CLOSURE

**PROHIBITIONS**

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50(a), the following acts are prohibited within the area described in this Order (the "Restricted Area") and as depicted on the attached map, hereby incorporated into this Order as Exhibit A, within the Questa Ranger District, Carson National Forest, Colfax and Taos County, New Mexico.

1. Entering or being upon the Restricted Area. **36 C.F.R. § 261.53(b).**

**EXEMPTIONS**

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Persons with a written Forest Service authorization specifically exempting them from the effect of this Order.
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting resource in the performance of an official duty.
3. Persons traveling by motor vehicle on National Forest System Road Number 1950.

**RESTRICTED AREA**

The Restricted Area consists of two regions within the Valle Vidal Management Unit, the "West Side" and the "East Side," which will be closed to entry at different times of the year, as indicated on the map at Exhibit A.

The West Side of the Restricted Area, which is closed to entry during the Spring season from **May 1 to June 30** for each year that the Order is in effect, consists of all National Forest System lands, roads, and trails beginning at the west boundary of the Valle Vidal Management Unit addition of the Questa Ranger District of the Carson National Forest adjacent to the Rio Costilla, then following north along the Valle Vidal boundary to the north boundary of the Valle Vidal, then following east along the Valle Vidal north boundary to the Taos-Colfax county line, then following south along the county line to its intersection with the southern boundary of Valle Vidal, then following west along the watershed divide between the Comanche Creek (including

the Vidal Creek tributary) and the North Moreno Creek watersheds to Tetilla Peak, then following north along the western boundary of the Valle Vidal Management Unit boundary back to the point of beginning.

The East Side of the Restricted Area, which is closed to entry during the Winter season from **January 1 to March 31** for each year that the Order is in effect, consists of all National Forest System lands, roads, and trails beginning on the north boundary of the Valle Vidal Management Unit addition of the Questa Ranger District of the Carson National Forest at its intersection with the Taos-Colfax county line, then following east along the Valle Vidal Management Unit north boundary to the watershed divide between Leandro Creek and Elk Creek, then following south and east along the Valle Vidal Management Unit north boundary to its intersection with Forest Road 1950, then following south along the east boundary of the Valle Vidal Management Unit boundary to Middle Ponil Creek, then following west along Middle Ponil Creek and Greenwood Canyon along the southern boundary of Valle Vidal Management Unit to the watershed divide between Greenwood Canyon (southern tributary) and Mill Creek, then following north along the western boundary of the Valle Vidal Management Unit to the Taos County Colfax County boundary, then following north along the Taos County and Colfax county line back to the point of beginning at the north boundary of the Valle Vidal Management Unit.

### **PURPOSE**

The Valle Vidal is a popular tourist recreation destination in northern New Mexico and is also home to a trophy elk herd of up to 2,000 head. These elk have historically used the areas described for elk calving (spring closure) and critical winter range (winter closure) due to the low road density and remoteness of the Valle Vidal Management Unit. Forage and habitat resources on the Valle Vidal are utilized annually due to the solitude and habitat security that the area provides from human intrusions for winter survival and elk calving activities. Elk will avoid areas in reaction to increased human presence, particularly during these vulnerable times. In order to help the herd, maintain population numbers through the winter and increase calving success in the spring, two seasonal closures are being implemented on the Valle Vidal for the protection of elk and to ensure elk herd survival. Except for vehicle access on Forest Road 1950, these areas will be closed to entry.

### **IMPLEMENTATION**

1. This Order will be effective annually from **January 1 to March 31**, for the East Side of the Restricted Area, and from **May 1 to June 30**, for the West Side of the Restricted Area, and shall remain in effect until July 1, 2025, or until rescinded, whichever occurs first.
2. A map identifying the Restricted Area is attached and made part of this Order as Exhibit A.
3. Any violation of this prohibition is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six (6) months, or both (*see* 16 U.S.C. § 551, 18 U.S.C. § 3571(b)(6), 18 U.S.C. § 3581(b)(7)).



4. Further information regarding this Order may be obtained at the Questa Ranger District located in Questa, New Mexico, telephone number (575) 586-0520, and at the Carson National Forest Supervisor's Office in Taos, New Mexico, telephone number (575) 758-6200.

Done at Taos, New Mexico, this 4<sup>th</sup> day of March, 2021.



James Duran  
Forest Supervisor  
Carson National Forest

Assessment of Need (Justification) and Enforcement Plan

1. Background: The Valle Vidal is a popular tourist recreation destination in northern New Mexico and is also home to a trophy elk herd of up to 2,000 head. These elk have historically used the areas described for elk calving (spring closure) and critical winter range (winter closure) due to the low road density and remoteness of the Valle Vidal Management Unit. Forage and habitat resources on the Valle Vidal are utilized annually due to the solitude and habitat security that the area provides from human intrusions for winter survival and elk calving activities. Elk will avoid areas in reaction to increased human presence, particularly during these vulnerable times. In order to help the herd, maintain population numbers through the winter and increase calving success in the spring, two seasonal closures will be implemented on the Valle Vidal for the protection of elk and to ensure elk herd survival. Except for vehicle access on open roads (Forest Road 1950 only), these areas will be closed to human entry.
2. NEPA Compliance: This order reflects the closures as outlined in the Valle Vidal unit Multiple Use area Guide (MUG), dated April 7, 1983, and signed by Regional Forester M.J. Hassell. This order will align with New Mexico Title 19 Natural Resources and Wildlife Chapter 34 Wildlife Habitat and Part 2 Habitat Protection Sec 10 (19.34.2.10 NMAC). No effects or extraordinary circumstances are anticipated, as the area has been managed as such since 1983.
3. Civil Rights Impact Statement: This Order does not constitute a "major action" as defined in FSH 1709.11, 31.1, Exhibit 01. It merely restricts an area minimizing the dangers to human health and safety equal to all; as such, no one group is expected to be displaced or experience a disproportionate burden as a result of this Order.
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	Dan Reed, Patrol Captain Northern NM Zone USFS	Jan 2021
Review proposed order (Law Enforcement)	Dan Reed, Patrol Captain, Northern NM Zone, USFS	Jan 2021
Review proposed order	OGC	
Approve proposed order	James Duran, Forest Supervisor, Carson National Forest	
Post order in accordance with 36 CFR 261.51	Volunteers, Forest Service LEOs and FPOs, and all available staffs	
Prepare news release for local media describing the order and management objectives. Post to website/notify COIDC/ copy to each receptionist/frontliner	Carson NF PAO	
Notices will be posted at the the campground entrance gate, campground outhouse, and the campground access point.	Appropriate Staff, Forest Protection Officers Carson National Forest employees Volunteers	

Enforcement Plan approved for implementation:

James D. Duran  
FOREST SUPERVISOR

March 4/2021  
DATE

JAMES D. DURAN