



**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
LINCOLN NATIONAL FOREST
SMOKEY BEAR RANGER DISTRICT**

TEMPORARY PUBLIC HEALTH AND SAFETY CLOSURE ORDER

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50(a) and (b), the following acts are prohibited within the area and road described in this Order (the “Restricted Area”) and as depicted on the attached map, hereby incorporated into this Order as Exhibit A, all within the Smokey Bear Ranger District, Lincoln National Forest, Lincoln County within the State of New Mexico.

1. Going into or being upon the Restricted Area. **36 C.F.R. §261.53(e).**
2. Being on the road. **36 C.F.R. § 261.54(e).**

EXEMPTIONS

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

1. Persons with a 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 fire fighting force in the performance of an official duty.
3. Owners or lessees of land in the area for the sole purpose of access to their private lands and/or residences.

RESTRICTED AREA AND ROAD DESCRIBED

As shown in Exhibit A, the Restricted Area consists of all National Forest System lands within the boundary starting at the intersection of the National Forest boundary and National Forest System Road (NFSR) 120A (within Township 11 South, Range 13 East, Section 1), then following southeast along NFSR 120A to its terminus, then continuing south along Gavilan Ridge to the Forest boundary, then following along the Forest boundary in a general western direction to its intersection with Gavilan Canyon, then following the Forest boundary north back to the point of beginning at its intersection with NFSR 120A. NFSR 120A is closed in its entirety.

PURPOSE

To protect public health and safety during post-fire conditions in and downslope of the McBride Fire burn scar in the Restricted Area.

IMPLEMENTATION

1. This Order will be effective on June 30, 2022, at 06:00 a.m., and shall remain in effect until December 31, 2022, or until rescinded, whichever occurs first.
2. A map identifying the Restricted Area and closed road is attached and made a part of this Order as Exhibit A.
3. Any violation of the prohibition in this Order 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 (*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 Smokey Bear Ranger District located in Ruidoso, NM, telephone number 575-257-4095, and at the Lincoln National Forest Supervisor's Office in Alamogordo, NM, telephone number 575-434-7200. Forest alerts are also available at: <https://www.fs.usda.gov/alerts/lincoln/alerts-notices>
5. This Order supersedes any previous orders prohibiting the same acts covered by this Order.

Done at Alamogordo, New Mexico this 1st day of July, 2022

Travis Moseley
Forest Supervisor
Lincoln National Forest

Assessment of Need (Justification), CRIS and Enforcement Plan

1. **Background:** The Smokey Ranger District of the Lincoln National Forest is proposing to temporarily close the described area from use by the public. The purpose of this order is to minimize exposure of the public to potentially hazardous conditions due to post-wildfire conditions, which includes a high risk of debris flows, increased flooding and sediment-bulked flows. protect the public's health and safety due to the McBride burn scar location in an unstable and hazardous geologic formation. Post fire flooding and debris flows are frequently four times more than pre-fire conditions and have been predicted for this area, with some areas with predicted debris flows at 80% probability of occurrence. Large boulders and woody debris are abundant along the slopes of Gavilan that can easily be transported downslope causing serious injury or death due to steep slopes and unstable high to moderate severity burned soils. This area is used by recreational visitors, and is directly adjacent to the Village of Ruidoso, with residences, subdivision roads and the main county road of Gavilan Canyon. The restricted area is shown on the attached map, hereby incorporated into this Order as Exhibit A. An Order is needed to be able to cite persons unwilling to comply with this special order.
2. **Intent of Subpart B order:** To assure the protection of public health and safety in the Closure Area during the McBride post-fire emergency response activities.
3. **NEPA Compliance:** This Order falls under FSH 1909.15, 31.12, (1): "Orders issued pursuant to 36 CFR Part 261 - Prohibitions to provide short-term resource protection or to protect public health and safety". This Order will not individually or cumulatively have a significant effect on the quality of the human environment and, therefore, is categorically excluded from documentation in an EIS or an EA. The only physical changes to the environment associated with this Order will be signs posted temporarily for the duration of the closure, and aerial application of seed and mulch to mitigate soil movement and lessen debris flows. No effects to extraordinary circumstances are anticipated.
4. **Civil Rights Impact Statement:** This Order does not constitute a "major action" as defined in FSH 1709.11, 31.1. It merely minimizes the dangers to human health and safety; as such, no one group is expected to be displaced or experience a disproportionate burden as a result of this Order.
5. **Enforcement Plan:** The following activities will occur in order to implement this special order in a manner that results in public acceptance and safety: Forest Service Law Enforcement Officers, Forest Protection Officers, Sheriff Deputies, Fire Wardens, Fire Prevention Technicians, firefighting crews, and New Mexico Department of Game and Fish Officers will patrol the affected area to enforce as well as educate the public on the closure area.

Potentially affected individuals and other Forest users will be notified of this Order with the issuance of a press release, which will be routed through appropriate media outlets. Furthermore, the Order will be posted on the Forest website, at the Forest Supervisor's Office, and at all ranger district offices on the Forest. When implemented, the prohibitions listed in the Order will be posted in reasonable locations including, but not limited to: fire danger signs, electronic reader boards, day use areas, developed campgrounds, visitor centers, and some dispersed camping areas.

ORDER NO. 03-08-01-22-04

<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Rhonda Stewart, BAER Team Lead, Lincoln National Forest	06/28/22
Review proposed order (Law Enforcement)	Christopher Alirez, Law Enforcement Officer, Southwestern Region, USFS	06/29/22
Approve proposed order	Travis Moseley, Forest Supervisor, Lincoln National Forest	06/29/22
Post order in accordance with 36 CFR 261.51	Volunteers, Forest Service LEOs and FPOs, and all available staffs	06/30/22
Prepare news release for local media describing the order and management objectives/post to website/notify COIDC/copy to each receptionist/frontliners	Forest PAO	06/30/22
Notices will be used at access points advising of the closure for implementation.	Appropriate Staff Law Enforcement Officers Forest Protection Officers Lincoln National Forest Employees & Volunteers	06/30/22

Enforcement Plan approved for implementation:

TRAVIS MOSELEY
FOREST SUPERVISOR

DATE