



**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
DAKOTA PRAIRIE GRASSLANDS
MEDORA RANGER DISTRICT – DICKINSON, NORTH DAKOTA**

FOREST ORDER

Trail Closure- Maah Daah Hey National Recreation Trail #7001 mile 15.5 through mile 21.25.

Pursuant to 16 U.S.C. § 551, 36 C.F.R. § 261.50 (a) and (b) and 36 C.F.R. § 261.53 the following acts are prohibited on the Medora Ranger District, Dakota Prairie Grassland:

PROHIBITION:

1. **Being on the trail [36 C.F.R. § 261.55 (a)].**

AREA CLOSURE DESCRIPTION:

The closure applies to National Forest System Trail (NFST) 7001; the Maah Daah Hey National Recreation Trail from mile 15.5 through mile 21.25. (See Attachment A) The trail closure can also be identified as the section of the Maah Daah Hey National Recreation Trail between Toms Wash Trailhead and Forest System Roads 746.

PURPOSE:

This closure is for public safety due to an impending bridge failure near mile marker 19.5. Severe weather events and heavy rain have caused major erosion alongside drainages of the Little Missouri River. The bridge that spanned one of these drainages is failing due to soil instability at the bridge abutments caused by a headcut moving towards the bridge. At this time, the bridge has been deemed unsafe for trail users to cross.

IMPLEMENTATION:

This order will be in effect from date signed and shall terminate one year from signature date.

These prohibitions are in addition to the general prohibitions in 36 C.F.R. Part 261, Subpart A.

EXEMPTIONS:

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

- (1) Persons with a 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.

VIOLATION:

Violation of these prohibitions is punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, imprisonment for not more than 6 months, or both. (16 U.S.C. §551 and 18 U.S.C. §§ 3559, 3571(b)(6) and 3581(b)(7).

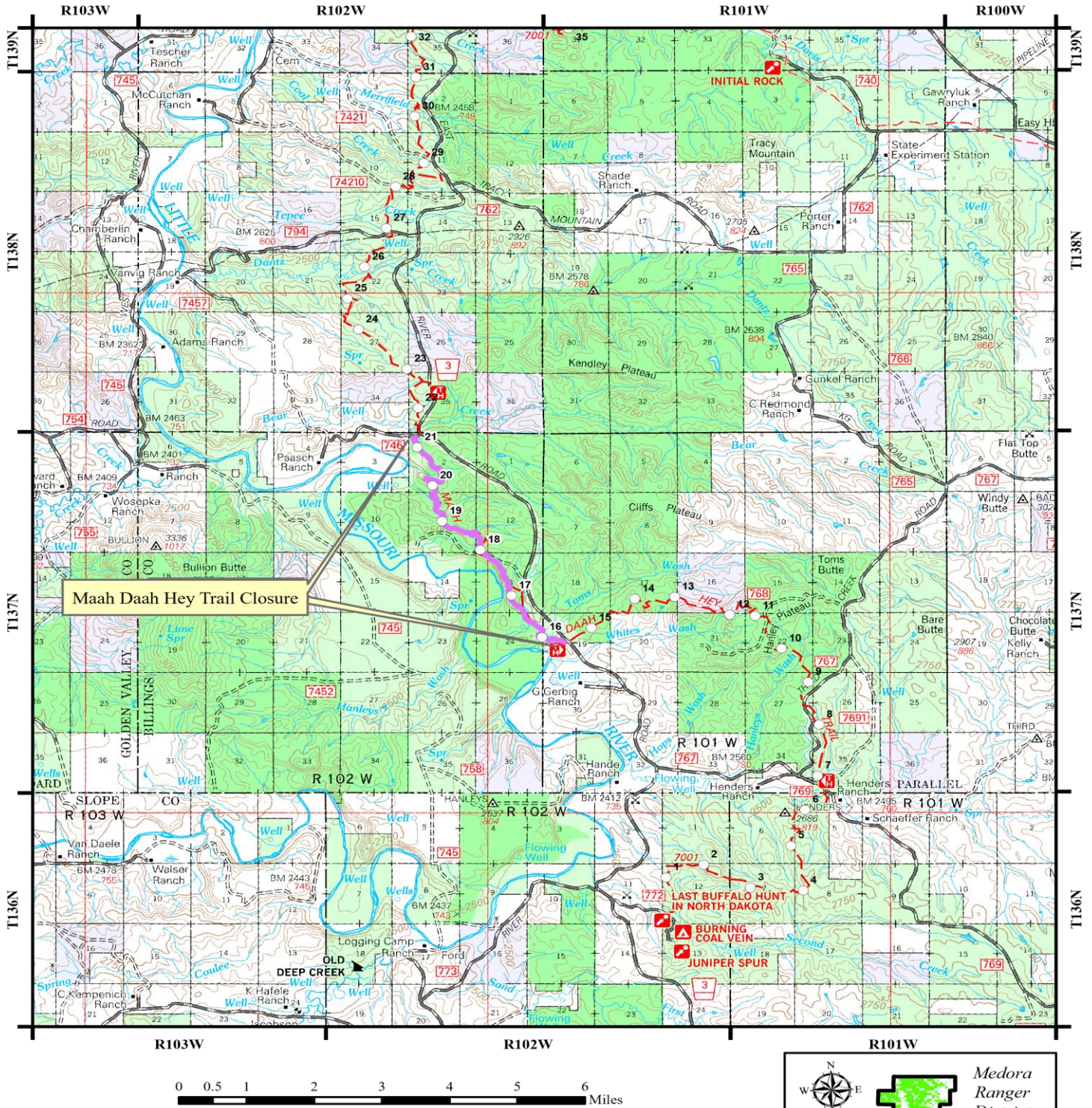
INFORMATION:

Further information regarding this Order may be obtained at the Medora Ranger District Office located at 99 23rd Ave West Suite B, Dickinson, North Dakota, (701) 227-7800, and at the Dakota Prairie Grasslands Supervisor's Office located at 2000 Miriam Circle, Bismarck, North Dakota, (701) 989-7300.

Executed in Bismarck, North Dakota, this 8 day of June, 2023.

Bethany Ihle
Grasslands Supervisor

Attachment A: Area Closure Map



Attachment A

- Mile Marker Posts
- MDH Trail Closure
- National Grassland
- National Grassland (Non-Motorized)

Medora Ranger District

DPG GIS Lab 6/7/2023

Assessment of Need and Enforcement Plan

1. Background:

The Forest Service is committed to the safety of all those who utilize their public lands. This section of trail crosses both federal and state lands traversing over hilltop prairie and descending into wooded draws. The landscape in this area is constantly changing due to the same natural processes that made the North Dakota badlands into what they are today.

2. Intent of Subpart B order:

The intent of the following order is to protect public safety by restricting access to this section of the Maah Daah Hey National Recreation Trail while we work with our specialists to identify a suitable route to circumvent the areas of concern.

3. Enforcement:

Enforcement of the closure forest order will be a combination of signing, public information, personal contacts and law enforcement actions. The following summarizes the enforcement goals with respect to this closure order:

- The goal will be to ensure that people are informed of the closure order. This will initially be promulgated through contacts and information releases before the special order goes into effect.
- LEO's & FPO's will endeavor to enforce the order through patrols and contacts when available to do so. Enforcement with a warning or citation will be at the discretion of the Law Enforcement Officer or Forest Protection Officer.

4: Posting:

Current posting will be modified to reflect the new prohibition. Posting will be completed by the Forest Staff and will be posted at a minimum on the Dakota Prairie Grasslands web page, the District office and signage in the immediate area of the closure.

ORDER CHECKLIST

| <u>Action</u> | <u>Responsible Official(s)</u> | <u>Initials/Date</u> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------|
| Prepare proposed Order | Appropriate staff(s) | _____ |
| NEPA requirements completed | Appropriate staff | _____ |
| CRIA requirements completed | Appropriate staff | _____ |
| Prepare enforcement plan | LEI with appropriate staff input | |
| Review proposed Order & approve enforcement plan | Patrol Captain or Special Agent in Charge | |
| Review by OGC | Regional OGC | |
| Approve Order | Forest Supervisor or Regional Forester (Deputy or Acting Should Not Sign) | <u>BAI 06092023</u> |
| Post Order (36 CFR 261.51) | District Ranger/Forest Supervisor | _____ |
| Prepare news releases for Order describing the order and management objectives. Describe implementation/action taken for order, such as planned patrols, enforcement strategies, tolerance, contacts to local public agencies. | PAO (with Appropriate Staff/LEI) | _____ |
| Implement plan | LEO/field going personnel | _____ |
| Complete Case File Filing | Order Records Officer | _____ |