



U.S. Department of Agriculture, U.S. Forest Service Humboldt-Toiyabe National Forest

National Forest System Area, Road and Trail Use

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 National Forest System (NFS) lands, areas, roads and trails on the Humboldt-Toiyabe National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A ("Described Area").

1. Operating a vehicle in violation of Nevada State Law, to wit; Title 43 of the Nevada Criminal and Traffic Law Manual and in violation of California State Law, to wit; California Vehicle Code, including Title 13.
36 C.F.R. §§ 261.54 (d), 261.55 (d).
2. Operating a vehicle carelessly, recklessly, or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property.
36 C.F.R. § 261.54 (f).
3. Parking or leaving a vehicle in violation of posted instructions.
36 C.F.R. § 261.58 (g).

EXEMPTIONS

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

1. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order), specifically exempting them from this Order or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 251.50(e)(1) or (2).
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.

PURPOSE

The purpose of this order is for the protection of natural resources, property, and the safety of all National Forest System users, while utilizing National Forest System Roads, Trails and Areas within the proclamation boundaries of the Humboldt Toiyabe National Forest.

IMPLEMENTATION

1. This Order shall be in effect from August 20th, 2023 at 12:00am through August 20th 2033 at 12:00am, unless rescinded.
2. A map identifying the Described Areas, roads and trails is attached and made part of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to <https://www.fs.usda.gov/alerts/htnf/alerts-notice>.
3. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.
4. A violation of the above prohibitions 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 months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.
5. Contact the Humboldt-Toiyabe National Forest Supervisor's Office at 1200 Franklin Way, Sparks NV 89431 (715) 331-6444, for more information about this Order.
6. This Order supersedes any previous Orders prohibiting the same or similar acts on the Described Areas.

Signed and issued on 18th day of August 2023.

William A. Dunkelberger
Forest Supervisor
Humboldt-Toiyabe National Forest

SUPPORTING DOCUMENTS
Order # 04-17-23-13

Assessment of Need

Purpose of Order

This Order is needed to protect the Humboldt Toiyabe National Forest System (NFS) Areas, Roads and Trails by prohibiting motor vehicle use activities that place users into unsafe situations that can impact or affect the safety health and well-being of property, and other persons while utilizing the National Forest System Lands.

Scope of Order

This Order will apply on the Humboldt Toiyabe National Forest and includes all Areas, Roads and Trails within the proclamation boundaries of the Humboldt Toiyabe National Forest.

1. All Areas, Roads and Trails within the authority and jurisdiction of the United States Forest Service on the Humboldt Toiyabe National Forest require operators to follow posted instructions, safe driving practices and California and Nevada State Traffic Laws when operating on National Forest System Areas, Roads and Trails.
 - a. Relating to this order: USDA, Forest Service acknowledges that local law enforcement agencies are the best suited to manage and handle state traffic law enforcement programs, strategies, and activities and will work cooperatively with local agencies on best practices in the enforcement of traffic laws. Regulations listed in this order are primarily for the enforcement of issues as they relate to the safety of National Forest System Lands and Users, which also involve a variety of motor vehicle uses, including but not limited to vehicles such as Off-Road Vehicles.

Enforcement Plan

Posting

Posting of the Order as required in 36 C.F.R. § 261.50 will provide notification to National Forest visitors of the prohibited conduct. The Order will be posted in the Forest Supervisor's Office, and at District Rangers Stations as required in 36 C.F.R. § 261.51. The Order will also be posted online at the Humboldt Toiyabe National Forest Website for public viewing.

Coordination With Other Agencies

The Forest Service will work with appropriate local law enforcement agencies on the implementation of this order and best suited enforcement strategies for each county and or agency.

Patrol Activities

USDA, Forest Service Law Enforcement & Investigations will ensure visitors to the Humboldt Toiyabe National Forest practice safe common-sense operation of motor vehicles while using National Forest System Areas, Roads and Trails. When violations of this Order are observed and investigations, Law Enforcement Officers will take appropriate action and when necessary, contact local law enforcement based on local coordination, strategies and best practices. Forest Protection Officers primarily in high use and or urban interfaces will also utilize the enforcement of this order for issues relating to parking offenses and within the limitations of their authority and jurisdiction.

Enforcement Strategies

A uniformed Forest Service employee with FPO status or Law Enforcement Officer will contact any persons found in violation of the prohibitions listed in the Order. Violators will be advised of the restrictions and the actions needed to come into compliance. The violators will be identified. A Violation Notice or Warning Notice may be issued, and they will be required to comply with listed prohibitions.

Access

The Order will not adversely impact access into the Described Area.

Civil Rights Impact Determination

This Order is not a policy action with civil rights implications. No one group will be affected more than another group. The Forest Service has determined a Civil Rights Impact Analysis (CRIA) is therefore not required for this Order.

National Environmental Policy Act (NEPA)





The proposed action falls under the categorical exclusion in 36 C.F.R. 220.6(d)(1):
Orders issued pursuant to 36 CFR Part 261-Prohibitions to provide short term resource protection or to protect public health and safety. Resource specialists have determined no extraordinary circumstance exist that would preclude the application of this categorical exclusion.

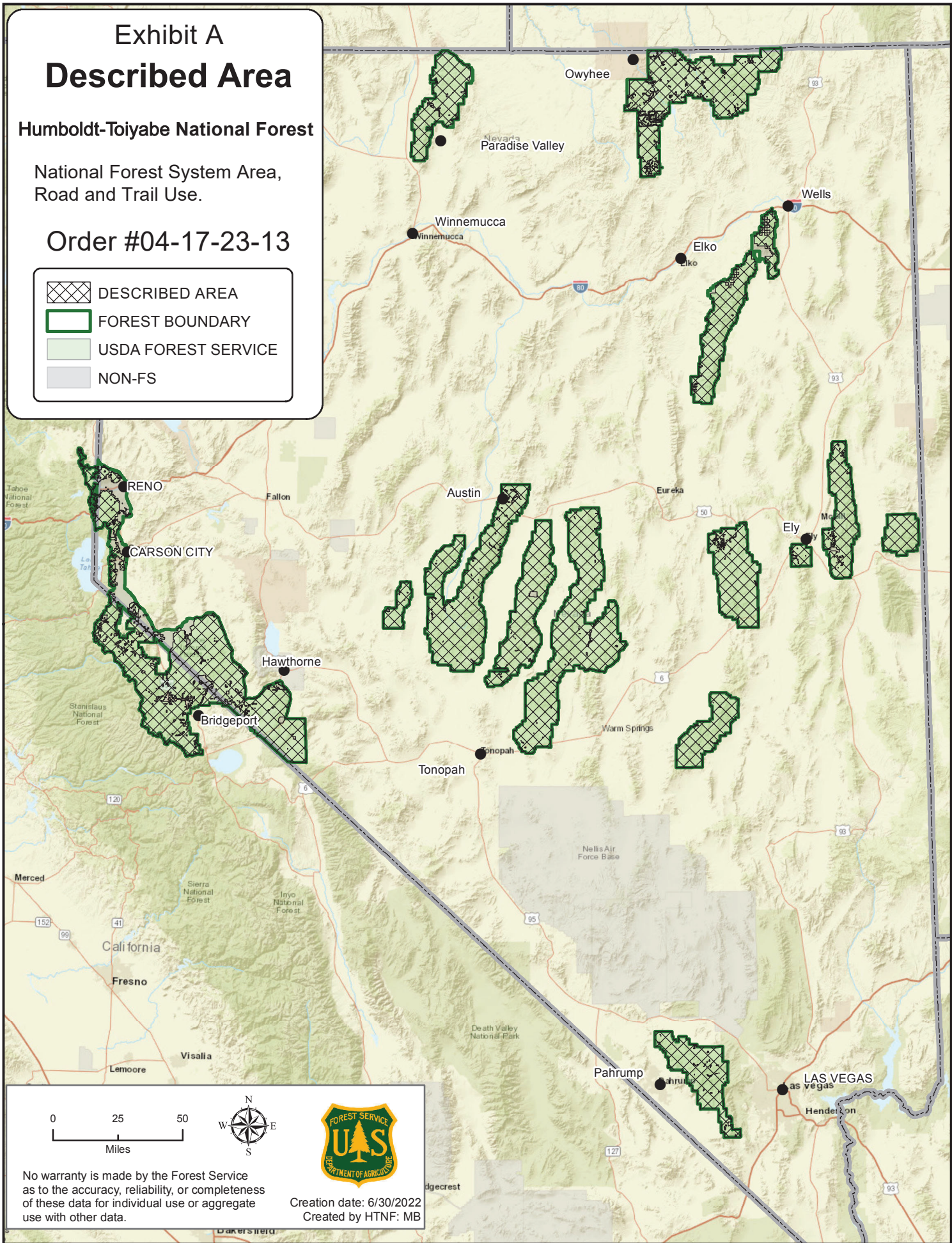
Exhibit A Described Area

Humboldt-Toiyabe National Forest

National Forest System Area,
Road and Trail Use.

Order #04-17-23-13

	DESCRIBED AREA
	FOREST BOUNDARY
	USDA FOREST SERVICE
	NON-FS



No warranty is made by the Forest Service as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

Creation date: 6/30/2022
Created by HTNF: MB