



**U.S. Department of Agriculture, U.S. Forest Service
Humboldt-Toiyabe National Forest
Spring Mountains National Recreation Area**

Area Closure

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50(a), the following is prohibited on the National Forest System (NFS) lands in the Spring Mountains National Recreation Area, Humboldt-Toiyabe National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A ("Described Area").

1. Going into or being upon the Described Area. 36 C. F. R. § 261.53(e).

EXEMPTIONS

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

1. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting force in the performance of an official duty.
2. Authorized Federal and State personnel conducting the repair work in the course of their official duties.
3. Persons with a 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).
4. Owners, residents or lessees of land in the Described Area, to the extent necessary to access their land. This exemption does not apply to Forest Service recreation residences.

DESCRIBED AREA

The Described Area is all NFS lands within the following boundaries as displayed on Exhibit A: Point 1 (Section 2, T18S, R57E, Mt. Diablo Meridian) south to Point 2 (Section 2, T19S, R57E, Mt. Diablo Meridian) east to Point 3 (Section 6, T19S, R58E, Mt. Diablo Meridian) south to Point 4 (Section 7, T20S, R58E, Mt. Diablo Meridian) west to Point 5 (Section 12, T20S, R57E, Mt. Diablo Meridian) south to Point 6 (Section 13,

T20S, R57E, Mt. Diablo Meridian) west to Point 7 (Section 13, T20S, R56E, Mt. Diablo Meridian) northwest to Point 8 (Section 28, T19S, R56E, Mt. Diablo Meridian) north to Point 9 (Section 16, T19S, R56E, Mt. Diablo Meridian) northeast to Bonanza Trailhead at Point 10 (Section 9, T19S, R56E, Mt. Diablo Meridian) northwest to Point 11 (Section 33, T18S, R56E, Mt. Diablo Meridian) north to Point 12 (Section 28, T18S, R56E, Mt. Diablo Meridian) northeast to exclude Mud Springs Spur Road at Point 13 (Section 22, T18S, R56E, Mt. Diablo Meridian) northeast to Point 14 (Section 2, T18S, R56E, Mt. Diablo Meridian) east to Point 1.

This Order does not close or otherwise affect Nevada State Highways 156, 157, and 158.

PURPOSE

The purpose of this Order is to protect public health and safety while repair work is being conducted in the Described Area.

IMPLEMENTATION

1. This Order shall be in effect from September 1, 2023, at 12:00 am through September 1, 2025 at 12:00am, unless rescinded.
2. A map identifying the Described Area 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-notices>.
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 Spring Mountains National Recreation Area at 4701 North Torrey Pines Dr. Las Vegas, NV 89130 (702) 872-5486, and 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 in the Described Area.

Order Number: # 04-17-23-17

Signed and Issued on August 30th, 2023.

William A. Dunkelberger
Forest Supervisor
Humboldt Toiyabe National Forest

SUPPORTING DOCUMENTS
Order # 04-17-23-17

Assessment of Need

Purpose of Order

This Order is needed to protect the National Forest System (NFS) by prohibiting activities and conduct within the boundaries of the Spring Mountains National Area Closure that sustained extreme damages because of Hurricane Hilary, while Federal, State and Local personnel of varying disciplines continue on repairing and ensuring areas, sites and trails are safe to recreate on again. This Order is in tandem with a State Closure of Highway 156, 157 and 158 into the area. The Main Developed Canyons of the Spring Mountains National Recreation Area will need time for multiple disciplines to assess a wide ranging and assorted level of varying damages across the developed canyons. Noted damages include but are not limited to foundations of structures being detached, accessible roads and trails washed out, switchbacks obliterated, hazard trees present, camping areas and powerlines damaged. Many of these issues will require multi-disciplinary approaches to ensure damages are fixed in a timely manner factoring in planning, logistics and funding across a wide-ranging level of concerns. As a result, an initial (2) year closure is set in place and will be revisited to determine if additional time is needed. The Order may be rescinded sooner if progress is made more quickly.

Scope of Order

This Order will apply to the described area (Developed Recreation Canyons of the Spring Mountains National Recreation Area that are accessed via Highway 156 and Highway 157, as well as other trails and or roads.)

This order will prohibit being and or remaining in the closed areas, including introduction of a vehicle. The area is described on Exhibit A.

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 the Spring Mountains National Recreation Area as required in 36 C.F.R. § 261.51. Copies of the Order will also be posted at entry points into the Developed Canyons and reasonable access points, as well as additional large signage to bring the prohibitions to the attention of the public.

Coordination With Other Agencies

The Forest Service will work with agency partners and local law enforcement agencies to

ensure the order is applied.

Patrol Activities

Certified Forest Protection Officers or Law Enforcement Officers will contact violators within the Described Area.

Patrolling of the Described Area will take place anytime of the day Sunday through Saturday. No set schedule for patrolling will be established. Patrolling will be more concentrated during the period immediately following signing of the Order or during visitation peaks to the area.

Enforcement Strategies

Emphasis will be placed on informing the public of the prohibitions in the hope of avoiding violations. Posting of the Order and maps at access points will be inspected periodically by Forest Service employees.

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 deny access into the main developed areas of the Spring Mountains National Recreation 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.

