

Order Number: 04-17-05-11

**UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**HUMBOLDT-TOIYABE NATIONAL FOREST**

**OCCUPANCY AND USE**

**A. PROHIBITIONS**

Pursuant to 36 CFR 261.50(a) and (b), the following acts are prohibited on the area, roads, and trails as described in this order, within the Humboldt-Toiyabe National Forest until further notice.

1. Possessing a beverage, which is defined as an alcoholic beverage by State law, by any persons under 21 years of age. [36 CFR 261.58(bb)]

**B. EXEMPTIONS**

Pursuant to 36 CFR 261.50(e), each of the following persons are exempt from this order.

1. Persons legally possessing an alcoholic beverage as defined in NRS 202.020 and CVC 109.
2. Any Federal, State, or local officer, or member of a organized rescue or fire fighting force in the performance of an official duty.

**C. AREA DESCRIBED**

All National Forest Lands within the Humboldt-Toiyabe National Forest.

**D. PURPOSE**


The purpose of this order is to protect public health, well being and safety.

**E. IMPLEMENTATION**

1. Exhibit A, Map and Exhibit B, Definitions are attached and incorporated into this ORDER.
2. This Special Order implementing Occupancy and Use Restrictions is effective at 12:01 A.M. on September 29, 2005, and shall remain in effect until rescinded.

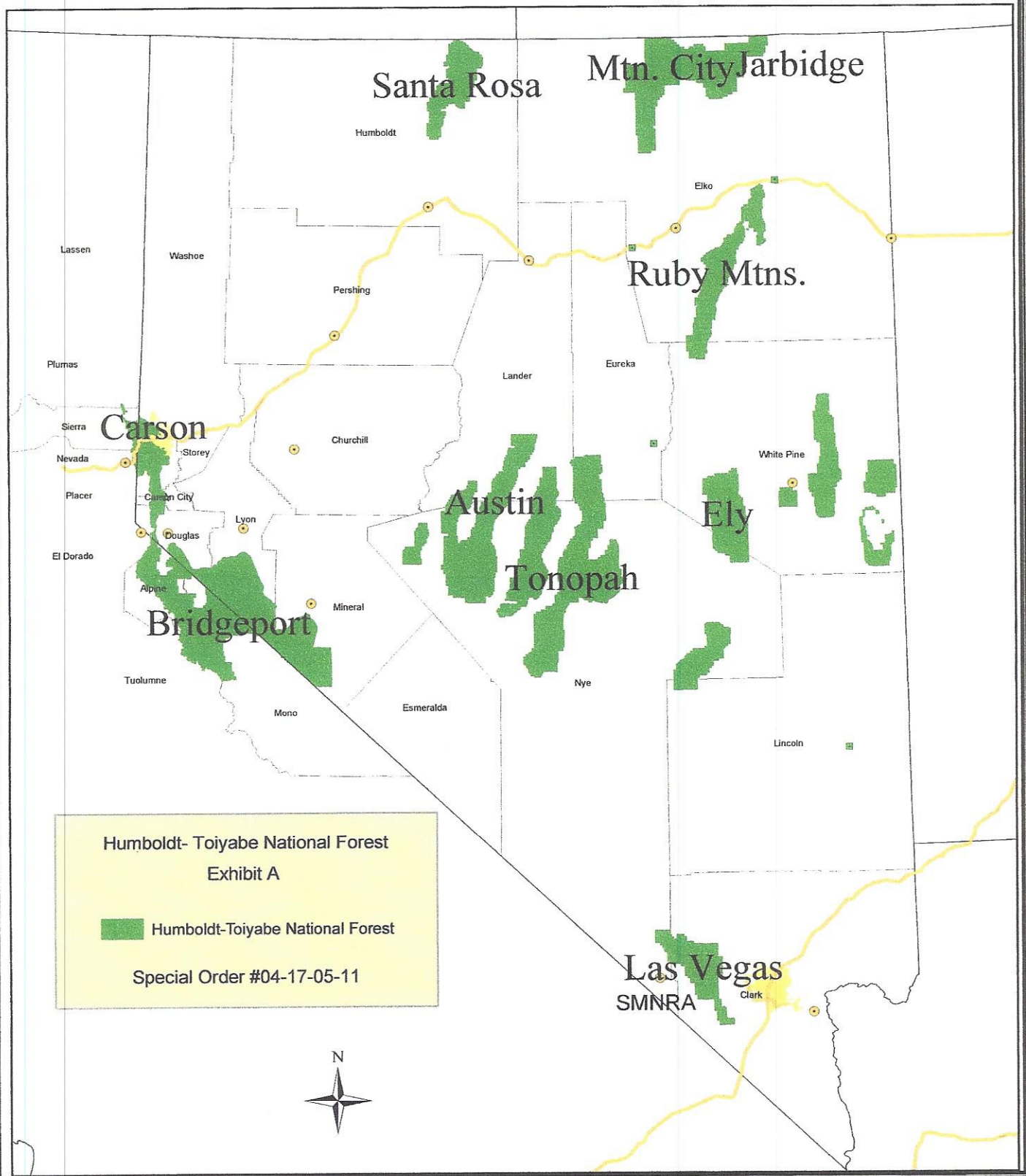
Violation of these prohibitions is punishable as a class B misdemeanor, by a fine of not more than \$5000.00 for an individual or \$10,000.00 for an organization and/or imprisonment of not more than 6 months [Title 16 USC 551, 18 USC 3571(b)(6), Title 18 USC 3581 (b)(7)].

Done at Sparks, Nevada this 28th day of September, 2005.


  
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Edward Mornig  
Forest Supervisor, Humboldt-Toiyabe National Forest

**ORDER NO. 04-17-05-11**

# Humboldt-Toiyabe National Forest



Humboldt- Toiyabe National Forest  
Exhibit A

 Humboldt-Toiyabe National Forest

Special Order #04-17-05-11



**EXHIBIT B**

**DEFINITIONS**

**OCCUPANCY AND USE**

**ALCOHOLIC BEVERAGE:** (For the purpose of NRS 202.020 "alcoholic beverage" means):

1. Beer, ale, porter, stout and other similar fermented beverages, including sake and similar products, of any name or description containing one-half of 1 percent or more alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.
2. Any beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar, of not less than one-half of 1 percent of alcohol by volume.
3. Any distilled spirits commonly referred to as ethyl alcohol, ethanol or spirits of wine in any form, including all dilutions and mixtures thereof from whatever process produced.

**ALCOHOLIC BEVERAGE:** (For the purpose of CVC, 109 "alcoholic beverage" means):

"Alcoholic beverage" includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, including, but not limited to , alcoholic beverages as defined in Section 23004 of the Business and Professions Code, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

For the purposes of the Drivers License Compact, "intoxicating liquor" as used in Section 15023 has the same meaning as "alcoholic beverage" as used in this code.

For further definitions or clarification of definitions, refer to Title 36 Code of Federal Regulations 261.2, Nevada Revised Statutes, (NRS) 202.020, and California Vehicle Code. (CVC) 109 and Section 15023.