**USDA FOREST SERVICE**
**NORTHERN REGION**
26 Fort Missoula Road
Missoula, MT 59804
Regional Forester's Order
R1-2022-01

**OCCUPANCY AND USE ORDER**

Pursuant to 16 U.S.C. § 551, and 36 C.F.R. § 261.50(a) and (b), the following acts are prohibited on all National Forest System lands administered as National Forests or National Grasslands within the Northern Region (Region 1) of the United States Forest Service in the states of Idaho, Montana, North Dakota, South Dakota and Washington (the "Restricted Area"). The Restricted Area includes all land, roads and trails located within the boundaries of the following National Forests and National Grassland:

| National Forests | | National Grasslands |
|---|---|---|
| Bitterroot | Beaverhead-Deerlodge | Dakota Prairie |
| Custer Gallatin | Flathead | |
| Idaho Panhandle | Kootenai | |
| Nez Perce-Clearwater | Helena-Lewis and Clark | |
| Lolo | | |

## PROHIBITIONS

1.  Operating any motor vehicle on National Forest system roads in violation of applicable state, county or local government law, regulation and/or ordinance relating to the use and possession of motor vehicles. **36 CFR 261.54(d)**

2.  Causing or knowingly permitting a child under the age of eighteen (18) years to operate a motor vehicle upon any National Forest system roads when the child is in violation of any applicable state vehicle code provision. **36 CFR 261.53(e), 261.50(e)**

3.  Operating a vehicle on National Forest system roads and trails 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 CFR 261.54(f)**

4.  Parking or leaving a vehicle in violation of posted instructions. **36 CFR 261.58(g)**

5.  Using snow removal or grooming equipment on National Forest System roads or trails without a permit or written authorization from the Forest Service. **36 CFR 261.54(a), 261.55(b)**

6.  Using a National Forest System road for commercial hauling without a permit or written authorization from the Forest Service. **36 CFR 261.54(c)**

7. Possessing or consuming a beverage which is defined as an alcoholic beverage by state law in violation of state, county or local law or ordinance. **36 CFR 261.58(bb)**

8. Possessing or operating a motor vehicle off National Forest System Roads or Trails. **36 CFR 261.56**

9. Possessing a drug or other controlled substance, or immediate precursor, included in schedules I, II, III, IV or V of Part B of the Controlled Substances Act (21 USC 812), unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of professional practice or otherwise allowed by Federal or State law. **36 CFR 261.53(e), 261.50(e)**

10. Possessing, discharging or using any kind of firework or pyrotechnic device. **36 CFR 261.52(f)**

11. Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained, and in effective working order, meeting either: (1) Department of Agriculture, Forest Service Standard 5100-l (as amended); or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). **36 CFR 261.52(j)**

12. Using an explosive, including exploding targets. **36 CFR 261.52(b)**
    For the purpose of this prohibition an explosive is defined as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion.

## **EXEMPTIONS**

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

1. Persons with a special use authorization or other Forest Service authorization specifically exempting them from the effect of this Order.

2. Persons utilizing motorized vehicles to provide incidental services and supplies for holders of National Forest System inholdings, for holders of Forest Service special use authorizations, and/or for authorized public services, are exempt from Prohibition 6. "Incidental" is defined for the purposes of this Regional Order as the occasional delivery of fuel, food and other necessary supplies, or provision of services to the above-described holders and/or authorized users.

3. Persons who have attained the age of 21 years are exempt from Prohibition 7 to the extent not otherwise restricted by state, county, or local law or ordinance.

4. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty is exempt from Prohibitions 1, 4, 5, and 8 Any Federal, State or local law enforcement officer in the performance of an official duty is exempt from Prohibitions 7, 8, 9, 10, and 12 when described items are seized as evidence in a criminal matter.

5. For Prohibition 12 only: Any person engaged in the use of black powder or other muzzleloader propellant, and the use of its associated ignition source, for legal or recreational shooting with a muzzleloader. This exemption does not include the firing at or use of exploding targets.

6. For Prohibition 12 only: Any person engaged in the use of any legal ammunition designed to be fired from a shotgun, rifle, or pistol. This exemption does not include the firing at or use of exploding targets or the use or tracer or incendiary rounds.

## IMPLEMENTATION

This order will be in effect starting January 1, 2022 and will remain in effect through December 31, 2026, unless rescinded earlier.

A copy of this order shall be posted as prescribed under 36 CFR § 261.51.

## VIOLATIONS

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

## INFORMATION

Further information regarding this Order may be obtained at the Northern Region Office in Missoula, MT, telephone number (406) 329-3058.

Executed in Missoula, Montana, this ⎯21st⎯ day of ⎯December⎯.

*Leanne M Marten*

Digitally signed by LEANNE MARTEN
Date: 2021.12.21 08:15:34 -07'00'

LEANNE MARTEN
Regional Forester