



**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
GILA NATIONAL FOREST
STAGE II FIRE RESTRICTIONS
(Revised)**

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50(a) and (b), the following acts are prohibited within all National Forest System lands as described in this Order (the “Restricted Area”) and as depicted on the attached map, hereby incorporated into this Order as Exhibit A, within the Gila National Forest, Catron, Grant, Hidalgo, and Sierra Counties within the State of New Mexico.

1. Building, maintaining, attending, or using a fire, campfire, or stove fire, including charcoal and briquettes. **36 C.F.R. § 261.52(a).**
2. Smoking, except within an enclosed vehicle or building, a developed recreation site, or while stopped in an area at least three (3) feet in diameter that is barren or cleared of any flammable material. **36 C.F.R. § 261.52(d).**
3. Blasting, welding, or operating an acetylene or other torch with open flame. **36 C.F.R. § 261.52(i).**
4. Using an explosive. **36 C.F.R. § 261.52(b).**
5. Possessing or using a motor vehicle off National Forest System roads, except when parking in an area devoid of vegetation within 10 feet of the roadway and except for parking overnight in Forest Service developed campgrounds and trailheads. **36 C.F.R. § 261.56.**

THE FOLLOWING ACTS ARE PROHIBITED FROM 9:00 A.M. TO 6:00 P.M.:

1. Operating a chainsaw or other equipment powered by an internal combustion engine. **36 C.F.R. § 261.52(h), (j).**

EXEMPTIONS

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

1. Persons operating generators with an approved spark arresting device in an area that is barren or cleared of all overhead and surrounding flammable materials within three (3) feet of the generator.
2. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of official duty.
3. Persons with a written Forest Service authorization specifically exempting them from the effect of this Order.

RESTRICTED AREA

All National Forest System lands, roads, and trails within the exterior boundaries of the Gila National Forest, as depicted on the attached map at Exhibit A.

PURPOSE

To reduce the risk of human-caused wildfires during periods of high fire danger and severe fire weather conditions.

IMPLEMENTATION

1. This Order will be in effect at 8:00AM on Tuesday, May 24th, 2022, and shall remain in effect until December 31, 2022, or until rescinded, whichever occurs first.
2. A map identifying the Restricted Area is attached and made part of this Order as Exhibit A. For a digital version of the Order map for the Gila National Forest, go to <https://www.fs.usda.gov/alerts/gila/alerts-notice>.
3. Any violation of the prohibitions in this Order is punishable as a Class B misdemeanor by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or by imprisonment for not more than six (6) months, or both (*see* 16 U.S.C. § 551, 18 U.S.C. § 3571(b)(6), 18 U.S.C. § 3581(b)(7)).
4. Further information regarding this Order may be obtained at the Gila National Forest Supervisor's Office in Silver City, NM, telephone number 575-388-8201.
5. This Order supersedes any previous Orders prohibiting the same acts covered by this Order.

Done at Silver City, New Mexico this 23rd day of May 2022.

Michael Martinez, Acting Forest Supervisor, Gila National Forest

Assessment of Need (Justification), CRIS and Enforcement Plan

1. Background: Due to an abnormally dry and warm winter and spring, the Gila National Forest, hereafter referred to as "the Forest", has been experiencing high to extreme fire danger. These conditions are not expected to change until monsoon moisture arrives in the summer. The purpose of this order is to reduce fire risk, prevent human-caused wildfires, protect property, and to protect public health and safety during periods of high or extreme fire danger. The restricted area is shown on the attached map, hereby incorporated into this Order as Exhibit A. An Order is needed to be able to cite persons unwilling to comply with this special order.
2. Intent of Subpart B order: The purpose of this Order is to reduce fire risk, prevent human-caused wildfires, protect property, and to protect public health and safety during periods of high or extreme fire danger.
3. NEPA Compliance: This Order falls under FSH 1909.15, 31.12, (1): "Orders issued pursuant to 36 CFR Part 261 - Prohibitions to provide short-term resource protection or to protect public health and safety". This Order will not individually or cumulatively have a significant effect on the quality of the human environment and, therefore, is categorically excluded from documentation in an EIS or an EA. The only physical changes to the environment associated with this Order will be signs posted temporarily for the duration of the closure and installation of a closure gate. No effects to extraordinary circumstances are anticipated.
4. Civil Rights Impact Statement: This Order does not constitute a "major action" as defined in FSH 1709.11, 31.1. It merely minimizes the dangers to human health and safety; as such, no one group is expected to be displaced or experience a disproportionate burden as a result of this Order.
5. Enforcement Plan: The following activities will occur in order to implement this special order in a manner that results in public acceptance and safety: Forest Service Law Enforcement Officers, Forest Protection Officers, Sheriff Deputies, Fire Wardens, Fire Prevention Technicians, firefighting crews, and New Mexico Department of Game and Fish Officers will patrol the affected area to enforce as well as educate the public on the proposed fire restrictions order

Potentially affected individuals and other Forest users will be notified of this Order with the issuance of a press release, which will be routed through appropriate media outlets. Furthermore, the Order will be posted on the Forest website, at the Forest Supervisor's Office, and at all ranger district offices on the Forest. When implemented, the prohibitions listed in the Order will be posted in reasonable locations including, but not limited to: fire danger signs, electronic reader boards, day use areas, developed campgrounds, visitor centers, and some dispersed camping areas.

<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Javier Kirker Fire Planning Officer, Gila National Forest	05/23/22
Review proposed order (Law Enforcement)	Canuto Molina, Patrol Captain, Southwestern Region, USFS	05/23/22
Approve proposed order	Michael Martinez, Forest Supervisor, Gila National Forest	
Post order in accordance with 36 CFR 261.51	Volunteers, Forest Service LEOs and FPOs, and all available staffs	
Prepare news release for local media describing the order and management objectives/post to website/notify COIDC/copy to each receptionist/frontliners	Forest PAO	

Notices will be used at access points advising of the closure for implementation.

Appropriate Staff
Law Enforcement Officers
Forest Protection Officers
Gila National Forest Employees &
Volunteers

Enforcement Plan approved for implementation:

Michael Martinez
ACTING FOREST SUPERVISOR

DATE