

ORDER NO. 21-90

**ORDER OF THE FOREST SUPERVISOR
CLOSING AN AREA TO ENTRY, TO WIT:**

ENTIRETY OF MONONGAHELA NATIONAL FOREST
CHEAT-POTOMAC RANGER DISTRICT
GAULEY RANGER DISTRICT
GREENBRIER RANGER DISTRICT
MARLINTON-WHITE SULPHUR RANGER DISTRICT
MONONGAHELA NATIONAL FOREST – WEST VIRGINIA

Under the authority of the Act of Congress dated June 4, 1897, as amended (16 U.S.C. 551), and pursuant to the Secretary of Agriculture's Regulations set forth at 36 CFR Part 261, Subpart B (36 CFR 261.50(a) and (b)), the following acts and omissions are prohibited in the entirety of the Monongahela National Forest controlled lands, waters and administrative units. The Monongahela National Forest lands are located in Barbour, Grant, Greenbrier, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, and Webster Counties in the State of West Virginia. Areas are within, and adjacent to, the Forest Proclamation Boundary. The said area being described and designated as shown on the map set forth as Exhibit A, which is attached hereto and made a part hereto:

The following are prohibited:

1. Occupying a campsite for longer than one-half (1/2) hour after arrival at said campsite unless the camping fee has been paid as per posted instructions. (36 CFR 261.58(a));
2. Occupying a campsite after 2:00 P.M. unless payment of camping fee for said campsite has been paid as per posted instructions. (36 CFR 261.58(e));
3. Camping for a period in excess of 14 days within a 28-day period, except as authorized. (36 CFR 261.58(a));
4. Camping outside developed campgrounds at any one campsite in excess of fourteen (14) cumulative days within a twenty eight (28) day period, then relocating the camp within five (5) road miles of the site just occupied without a waiting period of three weeks. (21 days) (36 CFR 261.58 (e));
5. Leaving camping equipment or personal property unattended for more than 24 hours without permission. (36 CFR 261.58(e));
6. Camping at designated trailheads, wilderness access points, day use areas or other areas posted closed. (36 CFR 261.58(e));
7. Entering or using a developed recreation site (excluding campgrounds) or portion thereof between 10:00pm and 06:00am. (36CFR 261.58 (b));
8. Entering or remaining in a campground between 10 p.m. and 6 a.m. in violation of a posted sign, except for persons who are legally occupying such campgrounds. (36 CFR 261.58 (c));
9. Occupying a developed recreation site with unsightly or inappropriate structures *or* equipment (36 CFR 261.58 (d));

10. Using a developed campsite by more than eight (8) users, except at double sites or unless authorized by permit. (36 CFR 261.58 (f));
11. Parking or leaving a vehicle in violation of posted instructions. (36 CFR 261.58 (g));
12. Parking or leaving a vehicle outside a parking space assigned to one's camp unit. (36 CFR 261.58 (h));
13. Being publicly nude. (36 CFR 261.58 (j));
14. Hunting or trapping within a developed recreation area. (36 CFR 262.58(v));
15. Possessing or operating a motor boat, other than electric powered, on Spruce Knob Lake, Lake Sherwood, Lake Buffalo and Summit Lake. (36 CFR 261.58 (n));
16. Storing or leaving a boat, canoe, or raft. (36 CFR 261.58 (p));
17. Camping within 300 feet (slope distance) of the shores of Lake Buffalo, Spruce Knob Lake, Summit Lake, and Lake Sherwood, excluding Forest Service Developed campsites (36 CFR 261.58 (e));
18. Possessing, discharging, or using any kind of firework or other pyrotechnic device, (36 CFR 261.52 (f));
19. 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 5100-1a; or (2) appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a). (36 CFR 261.52 (J)).
20. Possessing a tree by occupying any type of tree stand that causes damage to the tree for any purpose including but not limited to hunting, scouting for game, and or photography (This prohibition does not apply to portable tree stands and climbing apparatuses that do not cause damage to trees) (36CFR 261.58 (t)).
21. Possessing, consuming, or distributing, in violation of West Virginia State Law, a beverage which is defined as an alcoholic beverage by state law. [36.CFR 261.58(bb)].

THESE RESTRICTIONS ARE NECESSARY FOR PUBLIC SAFETY AND TO PROTECT NATIONAL FOREST PROPERTY. THEY ARE IN ADDITION TO THE GENERAL PROHIBITIONS SET FORTH IN 36 CFR PART 261. THE PROHIBITIONS WILL BE IN EFFECT FROM THE DATE OF THIS ORDER UNTIL SPECIFICALLY WITHDRAWN BY TERMINATION ORDER OF THE FOREST SUPERVISOR.

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

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission (36 CFR 261.50(e)(1)); and,
2. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty (36 CFR 261.50(e)(4)),

Violation of these prohibitions is punishable by a fine of not more than \$5000.00 for an individual or \$10,000.00 for an organization, or imprisonment for not more than six (6) months, or both (16 U.S.C. 551, 18 U.S. C. 3559 and 3571).

Dated this 17th day of December, 2008, at Elkins, West Virginia.

United States Department of Agriculture
Forest Service

/s/ Clyde N. Thompson

CLYDE N. THOMPSON
Forest Supervisor
Monongahela National Forest