

ORDER NO. 21-91

**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 maps set forth as Exhibit A, which is attached hereto and made a part hereto:

The following is prohibited:

1. Possess or use any motorized vehicle off Forest development roads. (36 CFR 261.56);
2. Possess or use any motorized vehicle on Forest development trails. (36 CFR 261.55(b));
3. Use All Terrain Vehicles (ATV), Utility All Terrain Vehicles, (UTV's), go-carts, golf carts, unregistered dirt bikes or any other unregistered or unlicensed non-street legal motor vehicles on any Forest Development road. (36CFR 261.54(a)).
4. Use a snowmobile or other tracked snow vehicle on Forest development roads, except from road shoulder to road shoulder of the Highland Scenic Highway FS150/SR150. (36 CFR 261.54 (a))
5. Operating any motorized vehicle on a Forest development road in violation of any traffic or vehicle law of the State of West Virginia. (36 CFR 261.54 (d));
6. Operating a vehicle 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));
7. Parking or leaving a vehicle in violation of a posted sign or instructions. (36 CFR 261.58 (g));
8. When posted, using a road for commercial hauling without a permit or written authorization. (36 CFR 261.54 c));

9. Driving, possessing, parking, or leaving a motorized vehicle on a road which is closed by sign, gate, or barricade, including earthen barricade. (36 CFR 261.54 (e)).

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