

ORDER

OCCUPANCY AND USE REGULATIONS

USDA - FOREST SERVICE

BLACK HILLS NATIONAL FOREST

Pursuant to 36 CFR 261.50 (a) and (b), the following acts are prohibited within BLACK HILLS NATIONAL FOREST, until rescinded.

POSSESSING A BEVERAGE WHICH IS DEFINED AS AN ALCOHOLIC BEVERAGE
IN VIOLATION OF STATE LAW. 36 CFR 261.58(bb)

Pursuant to 36 CFR 261.50(e), the following are EXEMPT from this order:

NONE

Done at Custer, South Dakota, this 22 day of July 1997.

/s/ JOHN C. TWISS
JOHN C. TWISS
Forest Supervisor

Violation of this prohibition is punishable by a fine of not more than \$5000.00 or imprisonment for not more than one (6) months or both. Title 16 USC, Section 551.

JUSTIFICATION

This order will allow Forest Service Law Enforcement personnel to effectively respond and react to minors and adults in possession of an alcoholic beverage in violation of state law.

SUBMIT THE FOLLOWING INFORMATION.

1. STATE THE DESIRED PROHIBITED ACT: To allow Forest Service LE&I personnel the ability to effectively respond and react to minors and adults in possession of alcoholic beverages as defined by state law.

2. REASON FOR THE ORDER: The Black Hills National Forest is increasing becoming a popular party location of minors and young adults. During these gatherings, extensive consumption of alcoholic beverages by minors is a common place. Due to the increasing population of the Rapid City Metro Area, these parties have continued to increase dramatically. Problems such as associated fires, assorted trash and resource damage, vandalism to campgrounds and picnic areas have continued to increase. Forest users have sustained assaults and threats resulting from these parties.

The state and local law enforcement agencies will continue to carry the primary enforcement role. Often these agencies are not available to assist the Forest Law Enforcement Officers with the problem of unlawful consumption of alcohol. This order is necessary to give forest Law Enforcement Officers the authority to take legal action when presented with a violation of the state alcohol laws.

3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? Yes
DESCRIBE: Voluntary compliance and education.

4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: Until Rescinded

5. LIST THOSE EXEMPT FROM THE ORDER: None

6. HAS AN ENFORCEMENT PLAN AND A SIGN PLAN BEEN ESTABLISHED?: Yes
Who will enforce the order?: Law Enforcement & Investigations
Who will ensure proper signing?: Recreation and LE&I Personnel

7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT?: Yes

8. COMPLETE THE ORDER USING THIS CHECKLIST. When complete, forward the original request to the SO, Attn.: Law Enforcement. The request will be routed to the appropriate staff officer, Public Information Officer, and Forest Supervisor.

Reviewed: _____
District Ranger, CU/EM Date

Reviewed: _____
District Ranger, PA/HA Date

Reviewed: _____
District Ranger, SP/NE Date

Reviewed: _____
District Ranger, BL Date

Reviewed: _____
So. Zone Law Enforcement Officer Date

Reviewed: _____
No. Zone Law Enforcement Officer Date

Reviewed: /s/ Lester L. Pinkerton _____ 7/1/97
Supervisory LEO Date

Reviewed: _____
Public Information Officer Date

Reviewed: _____
Forest Staff Officer Date