

**Special Order**  
**AREA CLOSURE FOR OCCUPANCY AND USE**

**USDA - FOREST SERVICE**  
**BLACK HILLS NATIONAL FOREST**

Pursuant to 16 U.S.C. 551 and 36 C.F.R., Section 261.50 (a & b), the following acts are prohibited within the Willow Creek Travel Management Area, Black Hills National Forest, as depicted on the attached map, hereby incorporated into this Order as Exhibit A. This Order shall remain in effect until rescinded, or until April 10, 2010, whichever occurs first.

**PROHIBITIONS:**

1. USING A MOTORIZED VEHICLE ON FOREST DEVELOPMENT ROADS IN THE WILLOW CREEK TRAVEL MANAGEMENT AREA. 36 CFR 261.54(a)
2. POSSESSING OR USING A MOTORIZED VEHICLE OFF FOREST DEVELOPMENT ROADS IN THE WILLOW CREEK TRAVEL MANAGEMENT AREA. 36 CFR 261.56

Pursuant to 36 CFR 261.50(e), the following persons are exempt:

1. Forest Service contractors or permittees engaged solely in the performances of official permit or contract obligations.
2. Persons with a Forest Service permit specifically authorizing the otherwise prohibited act or omission.
3. Any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty.

Done at Custer, South Dakota, this 1st day of August, 2006.

*/s/ Craig Bobzien*  
**CRAIG BOBZIEN**  
Forest Supervisor

Violations of these regulations is punishable as a Class B misdemeanor, 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. *Title 16, United States Code, Section 551, Title 18, United States Code, Section 3571.*

## Management Objectives

1. Purpose of Order. The Willow Creek Winter Range Closure area has been subject to resource damage during the non-closure season (i.e., 15 May – 15 Dec), when the area is accessible to motorized vehicles. The Needles Timber Sale has “opened-up” the northern portion of the closure area where there is significant off-road use by ATVs and 4x4 vehicles. There are new two-tracks throughout the entire closure area and most importantly, this has allowed motorized access to the southwestern portion of the Norbeck Wildlife Preserve. Motorized travel into this portion of the Norbeck is in direct conflict with standards 5.4A-9101 and 5.4A-9107. This southwestern portion of Norbeck is identified as critical habitat for elk and mountain goat (Norbeck EIS 1989).

*Standard 5.4A-9101.*—Manage road use to provide for habitat needs of wildlife and to maintain habitat effectiveness. Construct new local roads or reconstruct existing local roads needed for management activities. Physically block and revegetate local roads between periods of use.

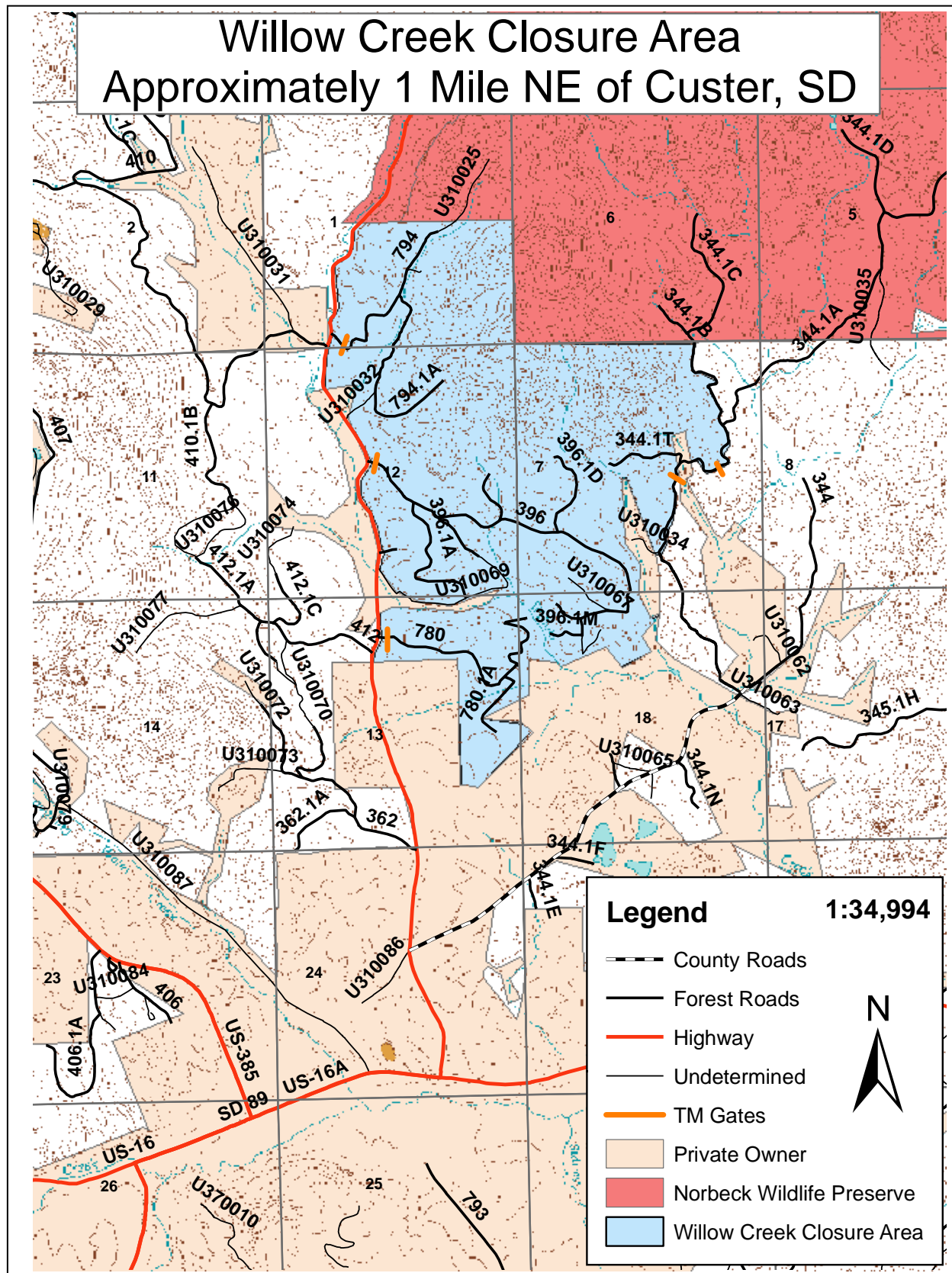
*Standard 5.4A-9107.*—Specific areas and travel routes are open year-round or seasonally for motorized recreation. Otherwise, the area is closed to motorized recreation, including snowmobiling.

The northern part of the closure area has become a popular dispersed camping location where you can find as many as 5-8 active campsites during the summer. Individuals that camp in this location typically drive to a spot of their choosing (usually creating more two-tracks), clear an area and then set-up their camp site. Unfortunately, it is not as easy as simply locking the northern gate because there are illegal two-tracks throughout the closure area so you can actually access the middle or even southern gate and make it to the northern portion of the area via user-created two-tracks. Additionally, the southern portion of the closure area is commonly used as an illegal dumping site.

This Order is written to prohibit access to the area to protect these resources. Bottom Line: this area will go from a seasonal closure area to a yearlong closure area.

2. Scope of Order. The closure order will prohibit entry into the area defined on the map entitled Willow Creek Closure Area. The Order applies to all persons except those identified as being exempt. This is an interim order that will be assessed annually with a termination date of 15 May 2010.
3. Enforcement Plan. The general public will be informed through travel management signs that are currently on the travel management gates that access the area. These signs describe the allowable use and prohibited actions. The area will be patrolled by Law Enforcement Officers and Forest Officers as budgets and other priorities allow.

Exhibit A. Willow Creek Travel Management Area



## SUBPART B

### ORDER REQUEST JUSTIFICATION FORM ORDER NUMBER: BKF-091-06

#### **SUBMIT THE FOLLOWING INFORMATION:**

1. **STATE THE DESIRED ACT:** Make the Willow Creek Winter Range Closure Area (Currently closed from 15 Dec – 15 May) a yearlong closure area.
2. **REASON FOR THE ORDER:** The Willow Creek Winter Range Closure area has been subject to resource damage during the non-closure season (i.e., 15 May – 15 Dec), when the area is accessible to motorized vehicles. The Needles Timber Sale has “opened-up” the northern portion of the closure area where there is significant off-road use by ATVs and 4x4 vehicles. There are new two-tracks throughout the entire closure area and most importantly, this has allowed motorized access to the southwestern portion of the Norbeck Wildlife Preserve. Motorized travel into this portion of the Norbeck is in direct conflict with standards 5.4A-9101 and 5.4A-9107. This southwestern portion of Norbeck is identified as critical habitat for elk and mountain goat (Norbeck EIS 1989). The northern part of the closure area has become a popular dispersed camping location where you can find as many as 5-8 active campsites during the summer. Individuals that camp in this location typically drive to a spot of their choosing (usually creating more two-tracks), clear an area and then set-up their camp site. Unfortunately, it is not as easy as simply locking the northern gate because there are illegal two-tracks throughout the closure area so you can actually access the middle or even southern gate and make it to the northern portion of the area via user-created two-tracks. Additionally, the southern portion of the closure area is commonly used as an illegal dumping site.
3. **HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM?** No, this is the easiest solution to a complex problem. The other alternative would be to spend thousands of dollars to obliterate all the user-created two-tracks and keep following-up and obliterating the new ones that will eventually develop. Also, this will not alleviate the ATV traffic because they will simply find an alternate route. Since the closure area is already in place, it makes sense just to keep the gates closed yearlong. The area can still be accessed by foot and horse; a horse gate will be installed next to the northern gate so those individuals that want to horseback ride into the area have an access point.
4. **PERIOD OF TIME THE ORDER WILL BE IN EFFECT:** 15 May 2010.
5. **LIST THOSE EXEMPT FROM THE ORDER:** Forest Service contractors or permittees engaged solely in the performances of permit or contract obligations, persons carrying written permission from the District Ranger, Forest Service personnel engaged in the performance of an official duty and any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force engaged in the performance of an official duty.
6. **HAS AN ENFORCEMENT PLAN AND SIGN PLAN BEEN ESTABLISHED?** Yes.
  - **WHO WILL ENFORCE THE ORDER?** Forest Service LEOs and District FPOs.
  - **WHO WILL ENSURE PROPER SIGNING?** District Travel Management Coordinator.

7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT? Yes.
8. HAS THE PUBLIC BEEN NOTIFIED? No, but the public has contacted the District Ranger with complaints of illegal dumping in this area.
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9. COMPLETE THE ORDER USING THIS CHECKLIST. When complete, forward the original request to the Supervisor’s Office, Attention: Supervisory Law Enforcement Officer. The request will be routed to the appropriate Staff Officer, Public Information Officer, and Forest Supervisor.

**Recommended:**       /Randall L. Griebel/       **4-24-06**  
 District Specialist, Randall L. Griebel, Wildlife Biologist Date

**Reviewed:** \_\_\_\_\_  
 District Ranger, Bearlodge Date

**Reviewed:**       /Michael D. Lloyd/       **4-21-06**  
 District Ranger, Hell Canyon Date

**Reviewed:** \_\_\_\_\_  
 District Ranger, Mystic Date

**Reviewed:** \_\_\_\_\_  
 District Ranger, Northern Hills Date

**Reviewed:**       /Phil Geenen/       **7/7/06**  
 South Zone Law Enforcement Officer Date

**Reviewed:** \_\_\_\_\_  
 North Zone Law Enforcement Officer Date

**Reviewed:** \_\_\_\_\_  
 North Zone Patrol Captain Date

**Reviewed:** \_\_\_\_\_  
 Public Information Officer Date

**Reviewed:** \_\_\_\_\_  
 Forest Staff Officer Date