

TEMPORARY SPECIAL RESTRICTION

USE OF MOTORIZED VEHICLES ON PORTIONS OF FOREST SERVICE ROADS (FSR)  
FSR 284, CUSTER-LIMESTONE ROAD  
FSR 288, UPPER LIGHTNING CREEK ROAD

HELL CANYON RANGER DISTRICT  
BLACK HILLS NATIONAL FOREST

Pursuant to 36 CFR 261.50 (b), the following acts are prohibited on the National Forest System roads ("FSR") described in this Order within the Black Hills National Forest, Custer County, South Dakota until rescinded, or March 31, 2011 whichever event occurs first. The restricted roads are depicted on the attached map, hereby incorporated into this Order as Exhibit A. This prohibition does not apply from Memorial Day to Labor Day inclusive. This Order is necessary to protect public health and safety while logging operations are on going on in Unit #19 of the Round Mountain Timber Sale.

PROHIBITIONS:

Using any type of motorized vehicle on:

- That portion of FSR 284, Custer-Limestone Road, from Mile Post 5.7 to 7.5
- and/or
- That portion of FSR 288, Upper Lighting Creek Road, from Mile Post 4.8 to 5.6

36 CFR 261.54(a)

EXEMPTIONS:

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

1. Persons with a Forest Service permit specifically authorizing the otherwise prohibited act.
2. Any Federal, State or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

Done at Custer, South Dakota, this 16<sup>th</sup> day of October, 2007.

/s/ Craig Bobzien  
CRAIG BOBZIEN  
Forest Supervisor

Violation of this prohibition is punishable as a Class b misdemeanor, by a fine of not more than \$5,000.00 for an individual, or \$10,000.00 for an organization or imprisonment for not more than six (6) months or both. Title 16 USC, Section 551, Title 18 USC, Section 3571.

## JUSTIFICATION

This closure is necessary to provide for public safety while logging operations are on going on in Unit #19 of the Round Mountain Timber Sale. Due to the topography, trees will be felled and decked on the road surface. There may be on-going logging activity on any day of the week, including weekends.

### SUB PART B ORDER REQUEST/JUSTIFICATION FORM

DATE: October 16, 2007  
ORDER NUMBER BKF-098-2007

#### SUBMIT THE FOLLOWING INFORMATION:

1. STATE THE DESIRED PROHIBITED ACT: Closure of portions FSR 284 and FSR 288 to motorized vehicles.
2. REASON FOR THE ORDER: This closure will restrict access while logging operations are in progress in Unit #19 of the Round Mountain Timber Sale.
3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM?  
DESCRIBE: Yes. Manual of Uniform Traffic Control Devices (MUTCD) compliant signing is in place as per the contract specifications, however the signing is being ignored and the public continues to travel through the area.
4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: Until Rescinded or until the termination date of the timber sale contract, which ever occurs first. This prohibition does not apply between Memorial Day and Labor Day inclusive since the timber purchaser is not allowed to operate in Unit #19 during that time period.
5. LIST THOSE EXEMPT FROM THE ORDER:
  - Persons with a permit specifically authorizing the otherwise prohibited act.
  - Persons working on the Round Mountain Timber Sale.
  - Any Federal, State or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.

6. HAS AN ENFORCEMENT PLAN AND A SIGN PLAN BEEN ESTABLISHED?  
Who will enforce the order? FPO's and LE&I staff  
Who will ensure proper signing? Hell Canyon Ranger District sale administration personnel. Signing is already in place.

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

8. HAS PUBLIC BEEN NOTIFIED? Yes  
DESCRIBE: Signs are in place and one news release was issued 8/28/2007 with another one to be issued 10/1/2007.

9. COMPLETE THE ORDER USING THIS CHECK LIST. 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: /s/ Carl Sumpter October 11, 2007  
District Ranger Date

Reviewed: /s/ Phil Geenen October 11, 2007  
District Law Enforcement Officer Date

Reviewed: /s/ Kenneth Pitt October 3, 2007  
Office of General Council Date

\*Reviewed: /s/ Alberta Settle October 16, 2007  
Zone Engineer Date

Reviewed: /s/ Craig Kjar October 16, 2007  
Forest Staff Officer Date

\*For road closures only