



**U.S. Department of Agriculture, U.S. Forest Service
Lincoln National Forest**

Occupancy and Use Prohibitions

PROHIBITIONS

Pursuant to 16 U.S.C. § 551 and 36 C.F.R. § 261.50 (a), the following is prohibited on the National Forest System (NFS) lands in the Lincoln National Forest, described below and shown on the attached map incorporated into this Order as Exhibit A (the “Described Area”):

1. Camping for more than 14 days, whether or not consecutive, within any 45-day period. 36 C.F.R. § 261.58 (a).
 - After 14 days, a user of the Described Area must move at least 30 air miles from the previous camping location.
 - Property must not be left unattended for more than 48 hours.
 - Users of NFS lands must not establish occupancy, take possession of, or otherwise use public lands for residential purposes.
 - **“Camping” is defined as** – The temporary use of National Forest System lands for the purpose of overnight occupancy without a permanently-fixed structure. It does not include erecting structures using Forest resources such as trees, limbs, rocks, etc.
 - If the area charges fees, fees must be paid within 30 minutes of entering the fee area.
2. Possessing a beverage which is defined as an alcoholic beverage by state law, subject to Exemption 3 below. 36 C.F.R. § 261.58(bb).
3. Parking or leaving a vehicle in violation of posted instructions. 36 C.F.R. § 261.58(g).
4. Being publicly nude. 36 C.F.R. § 261.58(j).
5. Depositing any body waste in caves except into receptacles provided for that

purpose. 36 C.F.R. § 261.58(ee).

EXEMPTIONS

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order), specifically exempting them from this Order or a written determination by a Forest Service authorized officer that a permit is not required under 36 C.F.R. § 251.50(e)(1) or (2)].
2. Any Federal, State, or Local Officer, or member of an organized rescue or firefighting resource in the performance of an official duty.
3. Persons 21 years of age or older and not otherwise under any legal restriction regarding the possession of alcoholic beverages are exempt from Prohibition No. 2.

DESCRIBED AREA

All the National Forest System lands located within the boundaries of the Lincoln National Forest, as depicted in Exhibit A.

PURPOSE

The purpose of this Order is to protect National Forest resources and to provide for public health and safety.

IMPLEMENTATION

1. This Order shall be in effect from December 1, 2023, at 6 am, and shall remain in effect until November 30, 2025.
2. A map identifying the Described Area is attached and made part of this Order as Exhibit A. For a digital version of this Order and Exhibit A, go to <https://www.fs.usda.gov/alerts/lincoln/alerts-notices>
3. Unless otherwise expressly defined in this Order, the terms used in this Order are defined by the regulations of the Secretary of Agriculture, 36 C.F.R. Chapter II, Parts 200-299. If there are terms in this Order that are not expressly defined in the Order or 36 C.F.R. Chapter II, Parts 200-299, their meaning shall be determined by their plain language definitions.
4. A violation of the above prohibitions is punishable as a Class B misdemeanor by a fine of not more than \$5,000 for individuals and \$10,000 for organizations, or by imprisonment for not more than six months, or both. 16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571, and 3581.

5. Contact the Smokey Bear Ranger District in Ruidoso, NM, (575) 257-4095, Sacramento Ranger District, Cloudcroft, NM (575) 682-2551, Guadalupe Ranger District, Carlsbad, NM, (575) 855-4181 or the Lincoln National Forest Supervisor's Office in Alamogordo, NM, (575) 434-7200, for more information about this Order.
6. This Order supersedes any previous Orders prohibiting the same or similar acts in the same Described Area.

Signed and issued on November 30, 2023.

Terence J. DeLay
Acting Forest Supervisor
Lincoln National Forest