
INFORMATIONAL MEMORANDUM FOR 2022-2023 FIRE USE RESTRICTION ON THE
SNAKE RIVER – SUMMER PERIOD

Forest Order Number 06-16-04-22-01

FROM: Shaun McKinney
Forest Supervisor

SUBJECT: Snake River Fire Use Restrictions, Wild and Scenic Section

FILE CODE: 1010

ISSUE:

The intent of this memorandum is to describe the need for temporary public use restrictions and the conclusion that implementation of these use restrictions does not require environment analysis as outlined by the National Environmental Policy Act (NEPA), Cited categorical exclusion 36 CFR 220.6 (d) (1). This memorandum also serves to record my conclusion that a Civil Right Impact Analysis is not needed.

BACKGROUND AND NEED:

The justification for these temporary public use restrictions is fire prevention and ultimately resource protection and public safety. Human started fires are generally preventable, are unpredictable and as such are difficult to plan for. They pose a risk to natural resource values and public safety. Additionally, the section of the Snake River between Hells Canyon Dam and the Oregon/Washington border is extremely inaccessible to fire suppression personnel. To address this risk the Wallowa-Whitman National Forest has determined that two sets of fires restriction, one for summer months, the other for winter months, are necessary along the wild and scenic portions of the Snake River from Hells Canyon Dam downstream to the Oregon/Washington border. Following are the general descriptions of the use restrictions used within ¼ mile of the Snake River.

Summer Months, June 1 through September 30

Prohibits fires except where fueled by charcoal contained in a firepan, fueled by liquid petroleum, or contained in a woodstove with chimney and spark arresting screen. Further requires all fires be attended at all times, fully extinguished when not attended, and take place in a location free of flammable vegetation within 3 feet of the fire.

Winter Months, October 1st through June 1st

Prohibits fires except where contained in a firepan, fueled by liquid petroleum, or contained in a woodstove with chimney and spark arresting screen. Further requires all fires be attended at all times, fully extinguished when not attended, and take place in a location free of flammable vegetation within 3 feet of the fire.



This Forest Order includes an exemption for persons with a Forest Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order (Form FS-7700-48). Authorization under this exemption will be provided only if I or my delegate determine that the risk to personal health and safety is reasonable considering the circumstances of the request. We also may require appropriate personal protective equipment and other necessary safety measures. The Forest Service Line and Staff Officers of the Wallowa Whitman National Forest are delegated the authority to issue permits.

PUBLIC SCOPING EFFORTS

Fire restriction levels have been developed for the Hells Canyon National Recreation Area. Preseason news releases are prepared annually, shared with commercial river users, and posted on recreational user permits. Current and changing restriction levels are posted on agency websites, shared with the public through local media, and coordinated with cooperating wildland fire agencies including the Bureau of Land Management and Idaho Department of Lands.

REASONS FOR DETERMINATION THAT THIS ACTION DOES NOT REQUIRE ADDITIONAL ANALYSIS PURSUANT TO NEPA:

Categorical exclusion 36 CFR 220.6(d) (1)

(1) Orders issued pursuant to 36 CFR part 261 - Prohibitions to provide short-term resource protection or to protect public health and safety. Examples include but are not limited to:

(ii) Closing an area during a period of extreme fire danger.

Based on a review of the proposed order and consultation with District and Forest resource specialists, it has been concluded that this decision may be categorically excluded from documentation in an Environmental Impact Statement (EIS) or Environmental Assessment (EA) under the National Environmental Policy Act. This action falls within the category identified in 36 C.F.R. § 220.6(d) (1) – prohibitions to provide short-term resource protection or to protect public health and safety – and does not require documentation in a decision memo, decision notice, or record of decision. I have determined that there are no extraordinary circumstances associated with this temporary public use restriction.

REASON FOR DETERMINATION THAT THIS ACTION DOES NOT REQUIRE COMPLETION OF A CIVIL RIGHTS IMPACT ANALYSIS:

As described above, Public Use Restrictions are designed to influence how the public uses campfires and cooking fires on National Forest Lands. The restrictions are temporary and implemented on a seasonal basis. They do not meet the criteria requiring a CRIA according to Department Regulation No. 4300-4 dated 9/22/1993, which states a CRIA is needed for:

- New legislation or amendments to existing legislation proposed by the agency
- New or revised agency regulations or instructions
- Budget proposals
- Grants, contracts, loans, or project approvals or disapprovals

- Regorizations
- Office consolidations, closures or reloations

Nor do Public Use Restrictions meet the criteria identified in the USDA Forest Service, Washington Office, Civil Rights Impact Analysis Guide which references actions such as:

- Legislative proposals, policies, programs or projets for which an envionmental impact statement (EIS) is needed
- Changes in or new rules, regualtions or policies to be published in the Federal Register and not requiring an EIS
- Decision affecting program delivery which will not be published in the Federal Register
- Proposed locations or relocations of filed installatins involving permanent employees
- Revisions of the Forest Service Directive System

Accordingly, I have determined that the Public Use Restrictions within ¼ mile of the Snake River between Hells Canyon Dam and the Oregon/Washington border do not require additional analysis relative to impacts on civil rights.

SUMMARY:

Based on my review I have determined that this Forest Order is compliant with the Forest Order process and should be authorized.

SHAUN MCKINNEY
Forest Supervisor