

ORDER NO. 06-16-05-22-08
STURGILL FIRE TRAIL CLOSURE
WALLOWA-WHITMAN NATIONAL FOREST

Pursuant to 16 USC 551, 36 CFR 261.50 (b), the following prohibition is established within the Eagle Cap Ranger District of the Wallowa-Whitman National Forest. This order is effective at on August 31, 2022, through October 1, 2022, or the order is rescinded, whichever is sooner.

PROHIBITION:

Being on any National Forest System trails that have been closed due to wildfire. *36 CFR § 261.55(a)*

WILDFIRE AREA TRAIL CLOSURE:

The wildfire Emergency Trail Closures includes Forest Service trails:

- The Minam river trail (1673), starting from the junction of Bear Mt. trail (1655) heading south to the junction with the Rock creek trail (1905).
- The North Minam trail (1675), from the junction of the Minam trail (1673) and North Minam trail (1675) to the junction with the Bowman trail (1651).
- Green Lakes Trail (1666), from the junction of the North Minam trail (1673) to the terminus of the trail at Green Lake.
- Little Pot Creek Trail (1919), from the junction of the Minam trail (1673) to the junction of the 1918 trail.

See Exhibit A for trail closure map.

EXEMPTIONS:

Pursuant to 36 CFR 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 Order), specifically exempting them from this order.
- (2) Any Federal, State, or local Officer or member of an organized rescue or fire fighting force in the performance of an official duty.
- (3) Forest Service employees performing official duties.

These restrictions are enacted for public health and safety.

These restrictions are in addition to those prohibitions enumerated in Subpart 'A' of 36 CFR 261 and any other special restrictions pertaining to the described lands.

Violations of these prohibitions are punishable by a fine of not more than \$5,000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both (16 U.S.C. § 551; 18 U.S.C. §§ 3551, 3559, 3571, and 3581).

Done at Joseph, Oregon, this 31st day of August, 2022.

Shaun P McKinney
Forest Supervisor
Wallowa-Whitman National Forest

Assessment of Need and Enforcement Plan

1. **Prohibition Objective:** The intent of the following order is to provide for public and employee safety by restricting access to the area described in Exhibit A. The area is currently impacted by uncontrolled wildfire and closing the trails to access will provide for public and employee safety.
2. **Public Notification Plan:** Information associated with the closure will be made available to the public through media releases, partner organizations, and at Forest Service offices. The affected area will be posted with signs indicating the trail is closed to public entry.
3. **Enforcement Plan:** Forest Service LEOs and FPOs will patrol and enforce the order in cooperation with the other agencies. All signing will be maintained to ensure that the public is informed and to facilitate support by concerned citizens.

Enforcement Plan:

<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Eagle Cap Ranger District	8/31/22
Review proposed order (Law Enforcement)	Patrol Captain	8/31/22
Approve proposed order	Forest Supervisor	
Post order in accordance with 36 CFR 261.51	District Staff Officer and Staff	
Prepare news release for local media describing the order and management objectives	Public Affairs Officer	
District staff will be responsible for the management and enforcement of this closure. Any enforcement actions will be within normal policies and procedures established by the LEI Patrol Captain for the zone.	District Staff	

Enforcement Plan approved for implementation:

Shaun McKinney

Forest Supervisor

Date

File Code:

Date: August 29, 2022

Route To:

Subject: Temporary Occupancy and Use Restrictions

To: District Rangers & Staff

The 600-acre Sturgill fire is burning in the Eagle Cap Wilderness which poses a risk to Forest visitors utilizing backcountry trails.

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 both Forests are delegated the authority to issue permits.

I have 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 closure. Implementation of the decision may begin immediately.

Shaun Mckinney
Forest Supervisor
Wallowa-Whitman National Forest

CIVIL RIGHTS IMPACTS ANALYSIS

UNITED STATES DEPARTMENT OF AGRICULTURE
Forest Service
Pacific Northwest Region (R6)
CIVIL RIGHTS IMPACT ANALYSIS

Prohibited Acts:

1. Being on any National Forest System trails that have been closed due to storm damage. *36 CFR § 261.55(a)*

Purpose

The purpose for developing a civil rights impact analysis is to provide the Forest Service decision maker information concerning potential civil rights impacts of the proposed action. Civil rights impacts are those which could affect the agency's ability to ensure equal opportunity in employment and in delivery of programs and services.

Favorable Impacts

The proposed action would:

- Enhance Forest visitor safety.
- Bring USFS enforcement efforts into alignment with the Regional Law Enforcement Plan.
- Reduce disparate application of laws and regulations, and safeguard Forest user's civil rights by ensuring consistent application of USFS regulations across the Region.
- Align USFS regulations more closely with similar State laws.
- Ensure consistency with policy by ensuring OGC review and FSH direction is followed.

Unfavorable Impacts

The proposed action would:

- Restricts some activities on the National Forest System lands pertaining to occupancy and use on Forest System Trails.

Mitigation Measures

No mitigation measures are proposed because the purpose of this order is to prevent activities that create unreasonable resource damage or threaten public health and safety.

Social Impacts

The proposed action does not impose any unreasonable adverse impacts on the civil rights of any individuals because the closure categories are of general applicability. The overall benefits are reasonable, as compared to the unfavorable impacts.

Net Civil Rights Impact

No net negative Civil Rights Impacts because the closure categories are general in applicability.

Shaun McKinney
Forest Supervisor
Wallowa-Whitman National Forest