



UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
OLYMPIC NATIONAL FOREST
OLYMPIA, WASHINGTON

ORDER NO. 06-09-23-01

Occupancy & Use

Pursuant to 16 USC § 551 and 36 CFR § 261.50 (a) & (b), the following acts are prohibited along Lake Cushman within the Olympic National Forest, as described below, and shown in Exhibit A. This Order is effective May 1, 2023, through April 30, 2025, unless rescinded sooner.

PROHIBITIONS:

1. Camping. [36 CFR § 261.58 (e)]
2. Parking or leaving a motor vehicle between 10:00 pm and 6:00 am [36 CFR § 261.58 (h)]
3. Building, maintaining, attending, or using a fire or charcoal fire, except self-contained gas stoves. [36 CFR § 261.52 (a)]
4. Possessing a beverage which is defined as an alcoholic beverage by state law. [36 CFR § 261.58 (bb)]

LAKE CUSHMAN PROHIBITION AREA:

Including all of Forest Road 24 (to include right of way and turnouts) beginning at intersection of State Route 119 and Mt. Tebo, continuing west to where Forest Road 24 meets Olympic National Park Boundary and all National Forest land between this section of Forest Road 24 and the shoreline as well as Forest Road 2451 from junction of Forest Road 24 to Olympic National Park boundary located within T23N, R4W, Section 7, and T23N, R5W, Sections 9, 10, 11 & 12, as shown in Exhibit A.

EXEMPTIONS:

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

1. Any Federal, State, or local officer, or member of any organized rescue or fire fighting force in the performance of an official duty.
2. 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.

This prohibition is in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

Violations of this prohibition 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, 3571, and 3581).

Executed in Olympia, Washington this 13 day of March 2023.

Kelly D. Lawrence
Forest Supervisor
Olympic National Forest



May 1, 2023

MEMORANDUM

FROM: FOREST SUPERVISOR *KML*
TO: FILE
SUBJECT: LAKE CUSHMAN CORRIDOR PROHIBITIONS - #06-09-23-01
FILE CODE: 1950

ISSUE:

The intent of this memorandum is to describe the need for public use restrictions, as outlined in Forest Order #06-09-23-01. This action is categorically excluded from further analysis and documentation in an EIS or EA and does not require a decision memo (36 CFR § 220.6(d)(1)) under the National Environmental Policy Act (NEPA). This memorandum also serves as the Civil Rights Impact Analysis.

BACKGROUND AND NEED:

The intent of this document is to identify and state the purpose and need for camping, parking, and fire restrictions near Lake Cushman encompassed within closure order #06-09-23-01. The closure area consists of the area along Lake Cushman including all of Forest Road 24 (to include right of way and turnouts) beginning at intersection of State Route 119 and Mt. Tebo, continuing west to where Forest Road 24 meets Olympic National Park Boundary and all National Forest land between this section of Forest Road 24 and the shoreline as well as Forest Road 2451 from junction of Forest Road 24 to Olympic National Park boundary located within T23N, R4W, Section 7 and T23N, R5W, Sections 9, 10, 11 & 12, as shown in Exhibit A. The justification for these restrictions includes resource protection and public safety as identified in the Lake Cushman FERC license (FERC Project 460). The following acts are prohibited near Lake Cushman and Forest Service Road 24:

- (1) Camping. [36 CFR § 261.58 (e)]
- (2) Parking or leaving a motor vehicle between 10:00 pm and 6:00 am [36 CFR § 261.58 (h)]
- (3) Building, maintaining, attending, or using a fire or charcoal fire, except self-contained gas stoves. [36 CFR § 261.52 (a)]
- (4) Possessing a beverage which is defined as an alcoholic beverage by state law. [36 CFR § 261.58 (bb)]

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. I hereby delegate the authority to sign Form FS-7700-48 granting an exemption to this Forest Order to the Deputy Forest Supervisor of the Olympic National Forest.



PUBLIC SCOPING:

Tacoma Power's relicensing of the Lake Cushman Hydroelectric Project (FERC Project 460), which was signed in 2008, was a multi-year, multi-party process which included numerous opportunities for public comment. In addition to the scoping as part of the NEPA process, public scoping occurred during the development of the Off-License Agreement between the City of Tacoma and the U.S.D.A Forest Service and related management plans.

Notices and press releases articulating these prohibitions have been posted on the Olympic National Forest website and provided to local media outlets for distribution. Closure signage has been posted on the ground and in proximity to the affected areas. Supervisory staff of the Olympic National Forest have discussed the closure with potentially interested and invested cooperating parties, including the National Park Service, Native Tribal Organizations, Mason County Sheriff's Office, and local fire districts.

REASONS FOR CATEGORICALLY EXCLUDING THE ACTION:

Based on a review of the proposed order and consultation with District and Forest resource specialists, 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 concluded that the restrictions included in this closure order were earlier evaluated in the Cushman Hydroelectric Project EIS (FERC/EIS-0095F). I have determined that there are no extraordinary circumstances associated with this temporary closure, and it may be implemented immediately.

CIVIL RIGHTS IMPACT ANALYSIS:

This temporary restriction does not meet the criteria requiring a CRIA according to Department Regulation No. 4300-4, dated 9/22/1993.

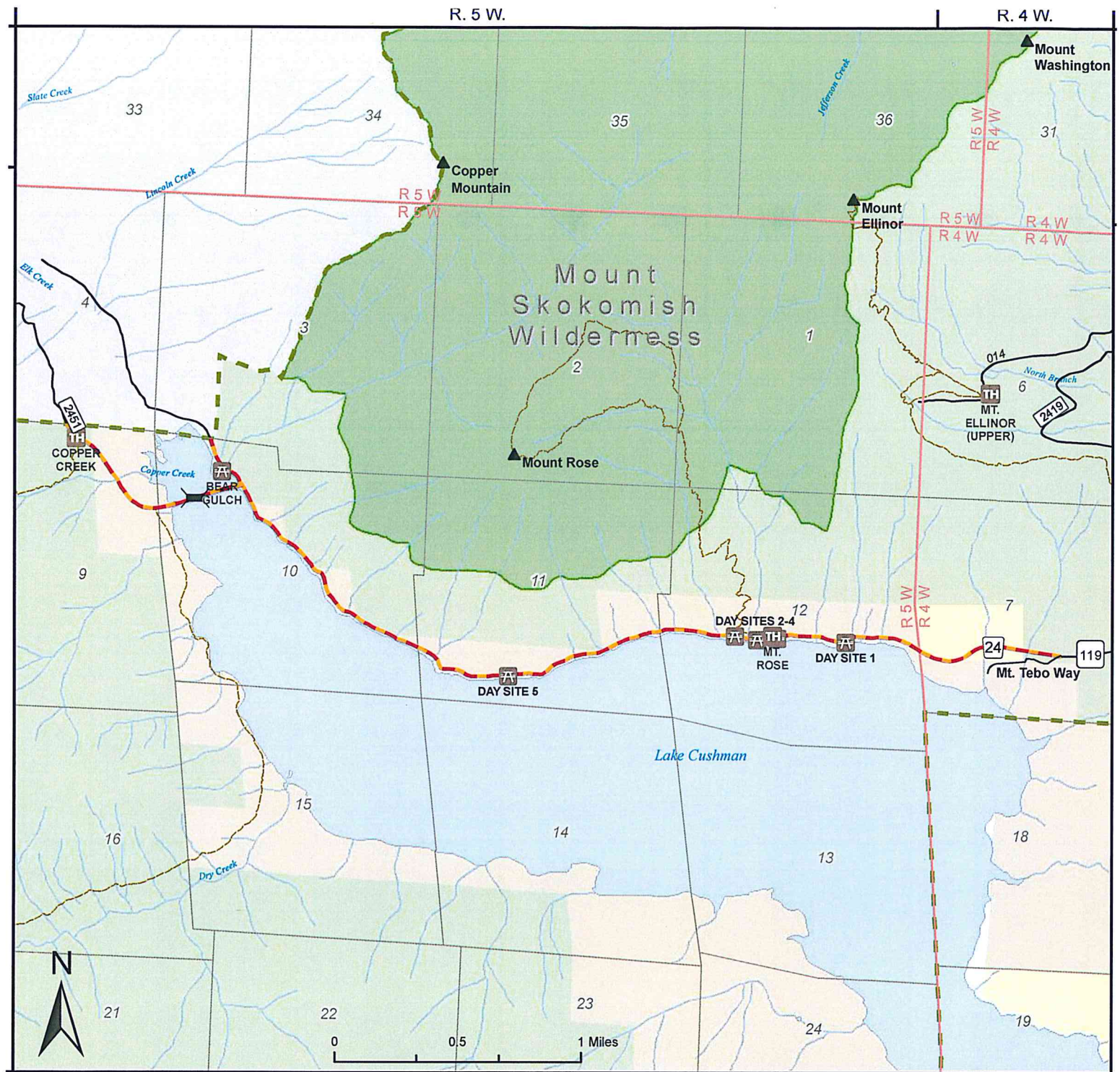
Accordingly, I have determined that this closure will have no impacts on civil rights as it will apply to all individuals. No one group or person will be affected more than another group or person.

SUMMARY:

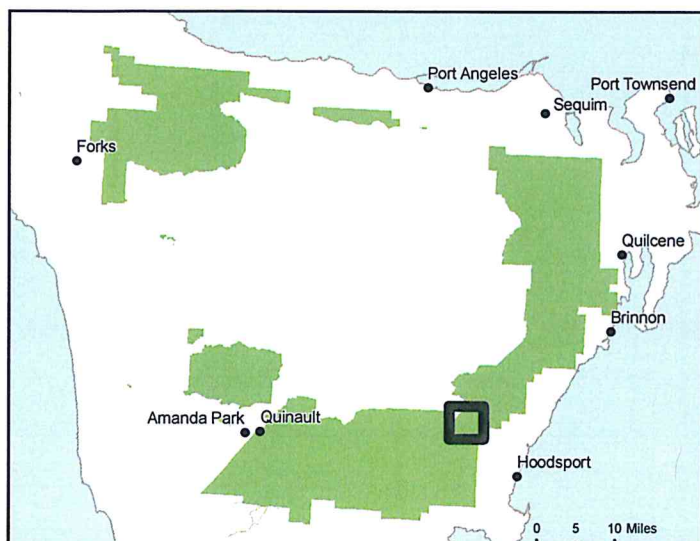
Based on my review, I have determined that this Forest Order is compliant with the Forest Order process and should be authorized.



Kelly D. Lawrence
Forest Supervisor
Olympic National Forest



Map 1 of 1



06-09-23-01 Lake Cushman Corridor Prohibition Area Map Olympic National Forest Exhibit A

Legend

- | | |
|-------------------------------|---------------------|
| U.S. Forest Service | Prohibitions Area |
| National Park Service | Roads |
| State Land | USFS Admin Boundary |
| Other Land, Including Private | Wilderness |



For more information contact: Olympic National Forest Office at 360.666.3300