

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
PAYETTE NATIONAL FOREST**

ABANDONED MINE AREA CLOSURE

PROHIBITIONS:

Pursuant to Title 36 CFR 261.50(a) the following act is prohibited on National Forest Systems lands within the Payette National Forest until further notice

1. Going into or being upon an area which is closed for the protection of public health and safety. **36 CFR 261.53(e)**

EXEMPTIONS:

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

1. Persons with a permit specifically exempting them from the effect of 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. Federal or State administrative personnel in the performance of an official duty.

AREAS DESCRIBED:

Any mine shaft, adit, stope, pit or other opening which has been gated and/or posted as dangerous by Forest Officers on National Forest System lands within the boundaries of the Payette National Forest within Adams, Idaho, Valley, and Washington Counties, Idaho.

Note: Maps of the Payette National Forest are available at the Payette National Forest Supervisor's Office, McCall Ranger District and Krassel Ranger District Offices in McCall, ID, the Council Ranger District Office in Council, ID, New Meadows Ranger District Office in New Meadows, ID and the Weiser Ranger District Office in Weiser, ID.

PURPOSE:

To provide for public health and safety related to hazards associated with abandoned mine sites (i.e. unsafe shafts, adits, stopes, pits and other openings, deadly gas & lack of oxygen, unsafe ladders, unstable explosives, deep pools of waters, etc).

IMPLEMENTATION:

1. This Special Order will be in effect when signed.
2. Any violation of this prohibition is punishable by a fine of not more than \$5,000.00 for an individual or \$10,000.00 for an organization, and/or imprisonment for not more than six (6) months. [Title 16 USC 551, Title 18 USC 3571(b)(6), Title 18 USC 3581 (b)(7)].
3. This Order supersedes any previous orders prohibiting the same acts covered by this Order in the above described area.

Done at McCall, Idaho this 8 day of September, 2003.

Mark Madrid
MARK J. MADRID
Forest Supervisor
Payette National Forest

Order Number: 04-12-328

Assessment of Need and Enforcement Plan

Abandoned Mine Safety Special Order Payette National Forest Order #04-12-328

1. Background. Abandoned mines on the Payette National Forest (PNF) pose a safety hazard to the public. Open adits, shafts, stopes and other workings at abandoned mines are well-documented public safety hazards that may result in serious injury or fatality accidents when entered by untrained persons. Hazards may include, but not limited to, unsafe shafts and other openings, deadly gases & lack of oxygen, unsafe ladders, unstable explosives and deep pools of water. Another hazard that may exist in these openings are potential human encounters with wildlife that may be using the site, such as bats. A Categorical Exclusion check list (Payette form BB-14) has been reviewed and signed by Forest specialist. No extraordinary circumstances described in Chapter 30, section 30.3, 2(a-g), apply. No additional NEPA is required.
2. Intent of Subpart B order. By issuing this order the Forest will be making clear to the public that abandoned mine sites are dangerous and directing the public not enter these sites. Abandoned mines are being surveyed and prioritized for treatment by hazard types. Abandoned mine sites which have openings such as shafts, adits, stopes, pits will have these openings closed using steel grates or by back filling to prevent the public from entering. Grates will be used on openings of underground workings used by bats.
3. Enforcement Plan. The following activities need to occur to implement this special order in a manner that results in public acceptance and safety: On ground signing to meet posting requirements in 36 CFR 261.51(a). Payette National Forest (PNF) personnel will be posting these openings with warning signs as they become aware of them. In the Frank Church-River of No Return Wilderness Area within the PNF signing will take place at trailheads and not at the openings.

<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Rob Cordtz with LE&I input	07/02/03
Review proposed order	Supervisory LEO Lipus	07/03/03
Review proposed order	RO LE&I and OGC	08/04/03
Approve proposed order	Forest Supervisor	09/05/03
Post order in accordance with 36 CFR 261.51	District Staff & LE&I, ongoing as sites are identified.	09/05/03

Prepare news release for local media describing the order and management objectives

Cordtz & Egnew
PAO

09/03

Implement Item #3 above. Insure signing is maintained to gain voluntary public compliance. Take LE action on blatant violations.

Appropriate Staff and
LEO/field going personnel,
ongoing as sites are identified

09/03

Plan approved for implementation:

Mark J. Madrid
MARK J. MADRID
Forest Supervisor
Payette National Forest

9/8/03
DATE