



FIRE AREA EMERGENCY CLOSURE
FREMONT-WINEMA NATIONAL FOREST
PAISLEY RANGER DISTRICT
Order Number 06-02-03-20-04



Pursuant to 16 USC §551 and 36 CFR §261.50 (a) and (b), to protect public health and safety from hazards and hazardous conditions created as a result of the Brattain Fire, the following acts are prohibited on National Forest System lands and roads on the Paisley Ranger District, Fremont-Winema National Forest, that are described below and shown in attached Exhibit A.

This order supersedes Order Number 06-02-03-20-03 and this prohibition will become effective September 30 and will remain in effect until December 31, 2020, unless rescinded earlier.

PROHIBITION:

- (1) **Going onto or being within an area closed for public health and safety. 36 CFR § 261.53 (e)**
- (2) **Being upon a closed road. 36 CFR § 261.54 (e)**

CLOSURE AREA: All legal descriptions are located within the Willamette Meridian and described as follows:

Approximately one mile north of Marster Spring Campground, start at the junction of the Fremont-Winema National Forest Boundary (Boundary) and National Forest System road (NFSR) 33 on the north line of section 9, T. 34 S., R. 18 E. Follow the Boundary east along the north lines of sections 9, 10, 11 and 12 in T. 34 S., R. 18 E., then turning south follow the east lines of sections 12, 13, 24, 25, and 36 in T. 34 S., R. 18 E., near Brattain Butte. East of Morgan Butte, continue to follow the Boundary southeasterly through and along sections 6, 7, 17, 20, and 21. Heading west, follow the south lines of sections 21, 20, 19 in T. 35 S., R. 19 E., and the south lines of sections 24, 23, 22 in T. 35 S., R. 18 E., until reaching the east side of the Chewaucan River. Follow the Chewaucan River northerly through sections 22, 15, 16, and 9 in T. 35 S., R. 18 E., until reaching the closed NFSR 3300-122. In the Coffeepot Flat area, travel southwesterly approximately one mile along the closed NFSR 3300-122 reaching NFSR 33. Heading north following the open NFSR 33 for approximately 2.5 miles to the south line of section 32 in T. 34 S., R. 18 E. Turning to the west, follow the south line of section 32 to reach the east line of section 31 in T. 34 S., R. 18 E. Head north along the east lines of sections 31, 30, 19, 18 until reaching the open NFSR 3300-016. Follow the open NFSR 3300-016 northwesterly approximately 2.5 miles to NFSR 3315 in section 36, T. 33 S., R. 17 E. Continue westerly along the open NFSR 3315 until reaching the open NFSR 3315-332. In the Slide Mountain area, follow the open NFSR 3315-332 approximately 3 miles to the east line of section 29 in T. 33 S. R. 17 E. Then turn north following the east lines of section 29 and 20 reaching the Boundary. Turn to the east and follow the Boundary on the north line of sections 21 and 22. Continue east through sections 23 and 24 in the Hadley Butte vicinity. From there, head southeasterly for approximately 3.5 miles along the east line of section 24, the north and east lines of section 30 and the east line of section 31 in T. 33 S., R. 18 E. Follow the north and east lines of section 5 and a portion of the north line of section 9, approximately 1.7 miles reaching the point of beginning at NFSR 33.

CLOSED ROADS:

NFSR 3510-020 from its junction with NFSR 3510-018 in section 8, T. 35 S., R. 19 E., travel westerly approximately ½ mile to the Boundary at the west line of section 8, T. 35 S., R. 19 E.

NFSR 3510-018 from approximately 4 miles southeasterly of Oregon State Highway 31, at the junction of Lake County Road 2-10A (aka Clover Flat Road) in section 33, T. 34 S., R. 19 E., heading southerly in the Schoolhouse Creek and Newell Creek areas approximately 8 miles to the junction of the NFSR 3510 in section 33 in T. 35 S., R. 19 E.

NFSR 3315 (aka High Road) from NFSR 33 in T. 33 S., R. 18 E., section 23 travel westerly approximately 5 miles to the Boundary on the east line of section 30, T. 33 S., R. 18 E.

NFSR 33 from the end of Lake County Road 2-08 (aka Mill Street) in T. 33 S., R. 18 E., section 23 head southwesterly approximately 5 miles to the north line of section 9 in T. 34 S., R. 18 E.

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

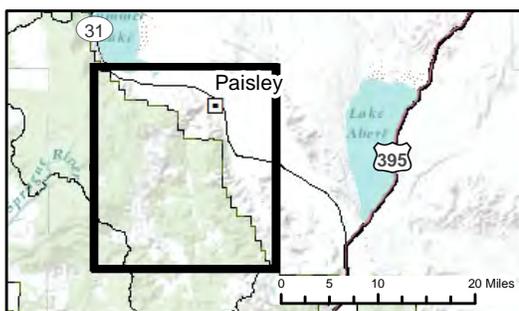
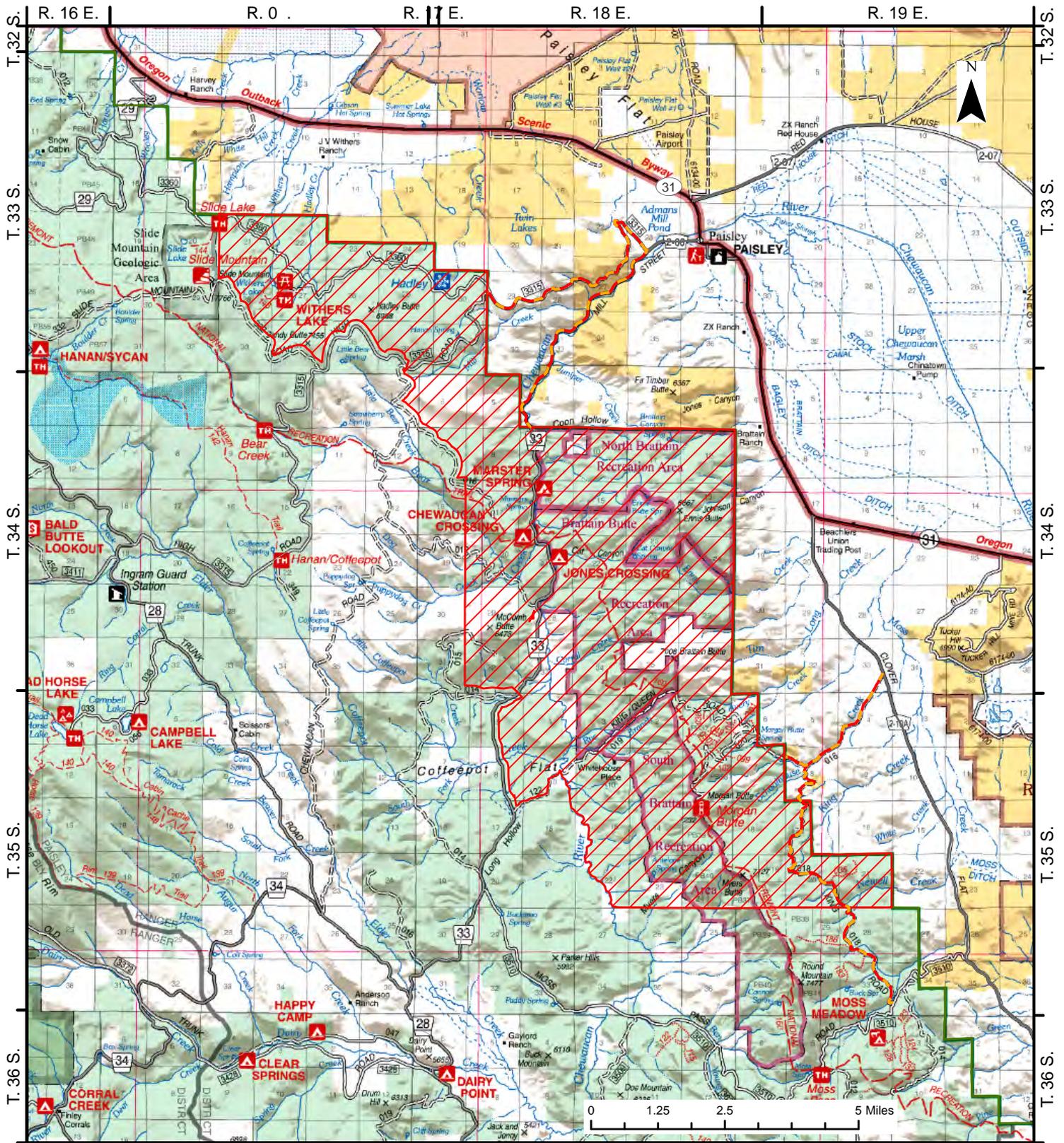
- (1) Persons with a permit specifically authorizing the otherwise prohibited act or omission. *“Person” means natural person, corporation, company, partnership, trust, firm, or association of persons. “Permit” means authorization in writing by a Forest Officer. “Forest Officer” means an employee of the Forest Service.*
- (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) Owners or lessees of land in the affected area.

This restriction is in addition to those prohibitions enumerated in Subpart A of 36 C.F.R. §261 and any other special restrictions pertaining to the described lands.

Done in Lakeview, Oregon at _____ *a.m./p.m.*, on this 30th day of *September, 2020*.

Barry L. Imler, Forest Supervisor
Fremont-Winema National Forest

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 of not more than 6 months, or both (16 U.S.C. § 551; 18 U.S.C. §§ 3559, 3571).



Brattain Fire Emergency Closure Notice Exhibit A
06-02-03-20-04
Fremont-Winema National Forest
09-29-2020

Legend

-  National Forest Land
-  Road Closure
-  Area Closure





File Code: 1950
Route To:

Date: September 29, 2020

Subject: Documentation of Civil Rights Impact Analysis (CRIA) and National Environmental Policy Act (NEPA) Compliance for Title 36 Code of Federal Regulations (CFR) Subpart A and B Prohibition – National Forest Area and Road Closure #06-02-03-20-04

To: Project File

Proposed Action: Issuing a Title 36 CFR Subpart A and B Order (Order) prohibiting entry in a closed area or roads on the Paisley Ranger District associated with the Brattain Fire suppression and Burned Area Emergency Rehabilitation (BAER) activities from September 29, 2020 through December 31, 2020 or until the order can be rescinded. Similar emergency fire area closures, including the Watson Creek Fire on the Paisley Ranger District in 2018, did not cause significant long-term impacts.

Issuing an Order to close the area referenced in Exhibit A is necessary for public, firefighter and employee safety during the ongoing suppression and post-fire rehabilitation work of the Brattain Fire. The Brattain Fire is a contained but uncontrolled wildfire burning in the area. The fire will continue to have interior burning and activity until winter snows. Firefighters and natural resource specialists are continuing to do critical work in the area, suppressing the fire, assessing and repairing damage and mitigating risks of additional resource damage as a result of the fire. This is substantially increasing traffic in the area. The area is also filled with snags – standing dead trees – and unstable soils, creating a public safety hazard within the firelines. This closure is needed to mitigate those risks.

The purpose of developing a CRIA is to provide the Forest Service decisionmaker with information concerning potential civil rights impacts of the proposed action. Civil rights impacts are “alterations in people’s civil rights status that occur in conjunction with a new policy, program, project; are not attributable to any external factors; and are perceived by those affected as socially significant” (FSH 1709.11, sec. 30.5(12)).

No potential major civil rights or social impacts related to the proposed action were identified during scoping. The proposed action does not impose any unreasonable adverse impacts on the civil rights of any individuals because the closure categories are general in applicability. Moreover, similar actions on previous Orders on NFSL did not cause impacts

Scoping occurred with the Paisley Ranger District Staff, the local Incident Command Team, the District Duty Officer and the Agency Administrator assigned to the Brattain Fire.

I have concluded that this decision may be categorically excluded from documentation in an Environmental Impact Statement or Environmental Assessment under the NEPA. This action falls within the category identified in 36 CFR § 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.

BARRY L. IMLER
Forest Supervisor

