



FIRE AREA EMERGENCY CLOSURE

FREMONT-WINEMA NATIONAL FOREST

Pursuant to 16 U.S.C. 551, 36 C.F.R. § 261.50(a) and (b), the following acts are prohibited on National Forest System lands, roads and trails within the following described area on the Fremont-Winema National Forest, Lakeview, Bly and Paisley Ranger Districts, as described in the attached Exhibit A. This Order is effective September 9, 2021, through December 31, 2021, or until rescinded.

PROHIBITIONS:

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)**
3. Being on a closed trail. **36 CFR § 261.55 (a)**

The area described below will be closed to public access/entry due to hazards and hazardous conditions created as a result of the Cougar Peak Fire.

AFFECTED AREA/CLOSURE AREA:

All National Forest System Lands within the area beginning at the junction of Oregon State Highway 140 and U.S. Highway 395 in Lakeview, continuing west on Oregon State Highway 140 to Quartz Mountain Snow Park, then turning northeast on National Forest System Road (NFSR) 3660. Continuing north on NFSR 3660 to the junction with NFSR 34 near Corral Creek Campground and following NFSR 34 northeast to the junction with NFSR 28. Turning north on NFSR 28 and continuing to the junction with NFSR 3315, also known as the High Road. Follow NFSR 3315 northeast to the junction with NFSR 33, also known as Lake County Road 2-08, and follow it east into Paisley and the junction with Oregon State Highway 31. Turn south on Oregon State Highway 31 and follow to the junction with U.S. Highway 395 at Valley Falls, then continue south on U.S. Highway 395 for approximately three quarters of a mile to Crooked Creek. Follow the Crooked Creek drainage to the southeast to the junction with the High Line Ditch and proceed south to the National Forest Boundary (Boundary). Follow the Boundary east to NFSR 3615-035 and continue south along the road to the junction with NFSR 3615, then south along NFSR 3615, past the North Warner Viewpoint, to the North Fork of Crooked Creek. Follow Crooked Creek west to Mill Trailhead and then along NFSR 3900-012, also known as Crooked Creek Road, west to U.S. Highway 395. Continue south on U.S. Highway 395 to Lakeview and the intersection with Oregon State Highway 140.

This order also closes all roads and trails within the closure boundary described above.

Refer to the attached map (Exhibit A).

EXEMPTIONS:

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



ORDER NO. 06-02-21-10

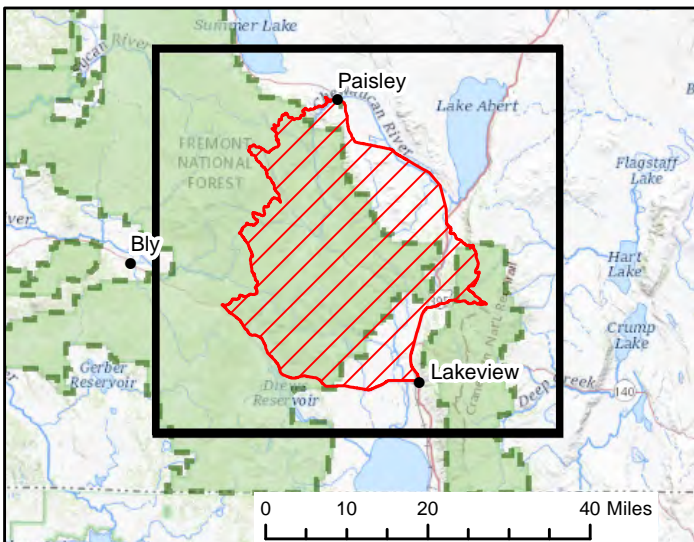
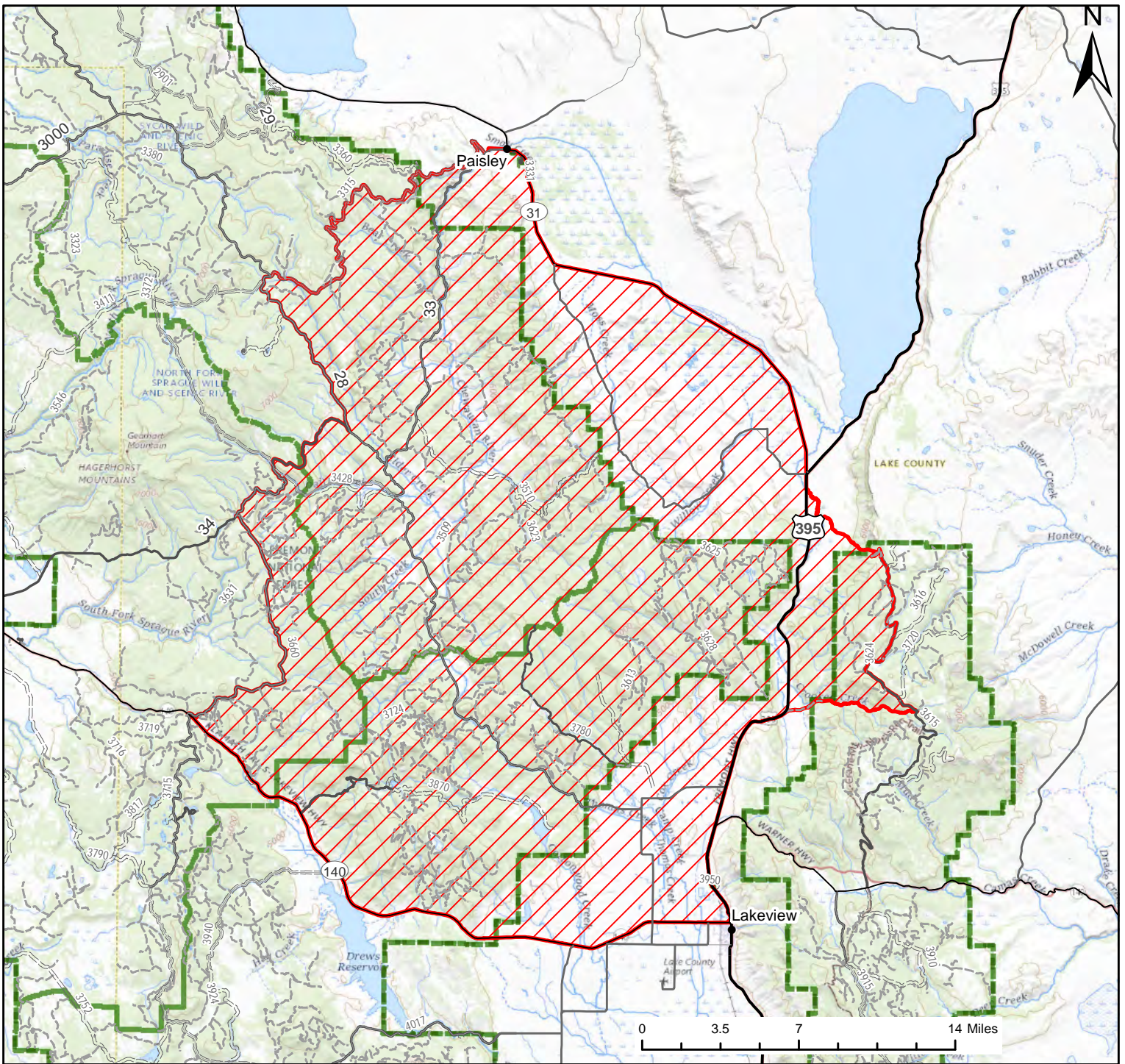
1. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order) specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance of an official duty.
3. Owners or lessees of land in the affected area.

This prohibition is in addition to the general prohibitions in 36 C.F.R. 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 USC § 551; 18 USC §§ 3551, 3559, 3571, and 3581).







Done at Lakeview, Oregon, on September 9, 2021, at _____ AM / PM.

BARRY L. IMLER
Forest Supervisor
Fremont-Winema National Forest



**Cougar Peak Fire Exhibit A
 Closure Number 06-02-21-10
 Fremont-Winema National Forest
 (541) 947-2151**

Legend

-  Area Closure
-  Site Closure
-  Road/Trail Closure
-  USFS Admin Boundary
-  National Forest Land
-  Wilderness





File Code: 1950
Route To:

Date: September 9, 2021

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 #06-02-21-10

To: Project File

Proposed Action: Issuing a Title 36 CFR Subpart A and B Order (Order) prohibiting entry in a closed area, and roads and trails on the Lakeview, Bly and Paisley Ranger Districts of the Fremont-Winema National Forest associated with the Cougar Peak Fire suppression activities from September 9, 2021 through December 31, 2021 or until the order can be rescinded. Similar emergency fire area closures, including the Crane Fire on the Lakeview Ranger District and Brattain Fire on the Paisley Ranger District in 2020, 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 of the Cougar Peak Fire. The Cougar Peak Fire is an uncontrolled wildfire burning in the area. The closure order allows firefighters to operate in the area safely as they do critical work in the area, suppressing the fire, assessing and repairing damage and mitigating risks of additional resource damage.

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 Lakeview, Bly and Paisley District Rangers of the Fremont-Winema National Forest.

Scoping occurred with the Lakeview, Bly and Paisley Ranger District Staff, the Incident Commander, the District Duty Officers, Forest Fire Staff and the Agency Administrator assigned to the Cougar Peak Fire.

Forest Service policy and procedures for implementing NEPA are contained in Forest Service Handbook (FSH) 1909.15 (NEPA Handbook). Chapter 30 of that handbook discusses categorical exclusion (CE) from documentation in an environmental impact statement (EIS) or environmental assessment (EA) for routine actions that normally do not have a significant effect on the quality of the human environment. The CE provisions indicate only that the action is excluded from documentation in an EIS or EA, not from NEPA analysis. 36 CFR 220.6(d)(1) and Category 1 in Section 31.1b of the handbook categorically excludes “orders issued pursuant to 36 CFR part 261 – Prohibitions to provide short-term resource protection or to protect public health and safety”, unless scoping indicates that there are extraordinary circumstances. This order is a short-duration order to protect public health and safety and is therefore categorically excluded.

The Forest Supervisor is responsible for certifying whether or not a CRIA must be conducted prior to making the decision on the proposed action. Civil rights impacts are defined as “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 (issuing Title 36 CFR Subpart B prohibition in an area designated by an Order) were identified. Similar actions on previous Orders on NFSL did not cause impacts and would apply to all users of the forest.

I have concluded that this decision may be categorically excluded and no NEPA is required. Implementation of the decision may begin immediately.

BARRY L. IMLER
Forest Supervisor

