



UMATILLA NATIONAL FOREST

Forest Order # 2013-0614-POM-01

Proposed Action

To temporarily close the area described in this document, also known as Hogback Area Closure, located on the Pomeroy Ranger District, Umatilla National Forest pursuant to **Pursuant to 16 USC, 36 CFR 261.50(a) and (b)**

The following persons are exempt from this order pursuant to 36 CFR § 261.50(e):

- 1.) Persons with a permit specifically authorizing the prohibited act or omission.
- 2.) Any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- 3.) Any Forest Service employee while engaged in official duties

Duration

Temporary, up to one year of signature date, unless amended or revoked by the Forest Supervisors

Employee/Community Involvement

The following Special Emphasis Program Managers (SEPM) reviewed and approved this proposed Order:
Umatilla National Forest Civil Rights Program Manager

Justification

Washington Department of Fish and Wildlife expressed concern related to wildlife security (especially elk) and the integrity of summer range use in the heads of some of those drainages bisected by Forest Road 4302. This closure will help mitigate those concerns and improve wildlife security and summer range integrity.

1. Adequate signing at key intersection points, backed by a Forest Order and enforcement, will discourage the public from entering the area closure.

Mitigation

The following are suggested mitigations:

1. Ensure signing is adequate in significant locations.

Implementation

Announcements are placed in the local papers, the Order is posted at the Ranger Districts, and Supervisor's Office.

Agency

USDA Forest Service,
Umatilla National Forest
72510 Coyote Rd.
Pendleton, OR 97801

Contact

Ranger Monte Fujishin, Pomeroy Ranger District
(509)843-1891

Date

August 28, 2013

Reviewed and approved:

1/s/ Katy Gray



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<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Appropriate Staff with LEI input	8/23/13 <i>WJM</i>
Review proposed order	Patrol Captain	8/23/13 <i>WJM</i>
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	District Ranger PAO LEO	

Enforcement Plan approved for implementation:

KEVIN MARTIN
Forest Supervisor

WALTER MERRITT
Patrol Captain

9/1/13

Date

Civil Rights Impact Statement



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Assessment of Need and Enforcement Plan

Background:

This order came about as part of an appeals resolution meeting between the Pomeroy Ranger District and Washington Department of Fish and Wildlife on October 1, 2012. Washington Department of Fish and Wildlife expressed concern related to wildlife security (especially elk) and the integrity of summer range use in the heads of some of those drainages bisected by Forest Road 4302.

Intent of Subpart B Order:

Starting September 1, 2013 the motorized access closure will be in effect from September 1 through November 30 in order protect the summer range for the reason's stated above in the "Background" section

Enforcement Plan:

Enforcement of this order will be performed by LEOs, FPOs and Special Agents. It will be at their discretion at the level of enforcement taken when enforcing this order.

Posting:

Current posting will be modified to reflect the new prohibition. Posting will be completed by the Forest Staff and will be posted at a minimum at all major entry points to the forest and all snow parks located within the district. Snowmobile clubs will be notified of the change

KEVIN MARTIN
Forest Supervisor

WALTER MERRITT
Patrol Captain

9/11/13

Date



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Exhibit A

Area Description

T. 7 N., R. 43 E., part of Section 1.

T. 8 N., R. 43 E., all or parts of Sections 24, 25, 26 and parts of Sections 13, 14, 23, 27, 28, 34, 35, and 36.

T. 8 N., R. 44 E., parts of Sections 18, 19, 30, and 31.

The Northeast corner of the area closure starts where North Fork Asotin Creek crosses the Forest boundary. From there the closure follows the Forest boundary South until it meets Forest Road 43. From there the closure follows along the West side of Forest Road 43 until the road intersects Forest Road 4305. The closure then runs on the North side of Forest Road 43 to the Southwest corner of T8N R43E Section 27. The Closure then runs North to Forest Road 4302 (Hogback Road). The closure then runs along the East side of North Fork Asotin Creek until it reaches the until Forest boundary.



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HOGBACK SEASONAL CLOSURE

ORDER NO. 2013-0614-POM-01

Pursuant to 36 CFR, Sec. 261.50(a) and (b), the following acts are prohibited from September 1st through November 30th each year on the area described in this order within the Umatilla National Forest, until further notice.

- (1) Using any motor vehicle on a Forest Service System Road located in the area described in Exhibit A **36 CFR 261.54(a)**
- (2) Using a motor vehicle on the Forest Service System trails located in the area described in Exhibit A. **36 CFR 261.55(b)**
- (3) Possessing or using a motor vehicle and/or motorized over snow vehicle off forest development roads in the area described in Exhibit A **36 CFR 261.56**

Motor vehicle means any vehicle which is self-propelled, other than:

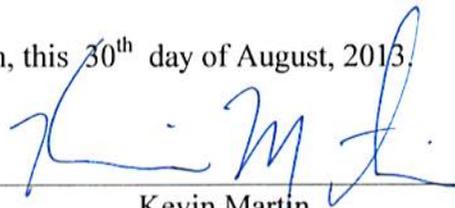
- (1) A vehicle operated on rails; and
- (2) Any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion and that is suitable for use in an indoor pedestrian area.

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

- 1.) Persons with a permit specifically authorizing the prohibited act or omission.
- 2.) Any Federal, State or local law enforcement officer, or member of an organized rescue or firefighting force in the performance of an official duty.
- 3.) Any Forest Service employee while engaged in official duties

These prohibitions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

Done at Pendleton, Oregon, this 30th day of August, 2013.



Kevin Martin
Forest Supervisor
Umatilla National Forest

Violation of these prohibitions is punishable by a fine of not more than \$5000 for an individual or \$10,000 for an organization, or imprisonment for not more than 6 months, or both. (16 U.S.C. 551 and 18 U.S.C. 3559 and 3571)