



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 and Paisley Ranger Districts, as described in the attached Exhibit A. This Order is effective October 13, 2021, through December 31, 2021, or until rescinded.

This order supersedes and rescinds order #06-02-21-10 signed by Forest Supervisor Barry Imler on September 9, 2021.

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 perimeter of the Cougar Peak Fire. The following areas are closed starting at National Forest System Road (NFSR) 3870 approximately 1 mile west of Cottonwood Reservoir, then ½ mile southwest to and then continuing west for 1.5 miles to NFSR 3870, following the road for 1.75 miles and then continuing northwest across Cottonwood Creek and around the western side of Cougar Peak. Continuing north from Cougar Peak, approximately a ½ mile east of Thomas Creek to NFSR 28 at the junction with Thomas Creek, then following east through Cox Flat then turning north through Shoestring Spring and proceeding northward just to the east of NFSR 3509. Continuing northeast, just to the south of Doe Mountain and continuing along NFSR 3623-016, with a spur of the fire perimeter continuing northwest along the eastern side of NFSR 3623 and NFSR 3510 along Ben Young Creek. The fire perimeter continues east, generally along NFSR 3510, commonly known as Moss Pass Road, turning north for 1 mile on the southeast side of Round Mountain before returning to NFSR 3510 and proceeding east to the National Forest Boundary (Boundary). Following the Boundary south and east, continue to Coyote Flat and turn southwest, crossing the northern and southern sections of NFSR 3625, passing just west of Cox Pass Trailhead and continuing southwest across NFSR 3613-011, commonly known as Bauers Creek Road approximately ½ mile northwest of the Boundary. Continue southwest, approximately ½ mile east of NFSR 3613 to the junction of NFSR 3613 and NFSR 3623, then southwest crossing Camp Creek, continuing to cross Auger Creek at NFSR 3780. Continue west to NFSR 28 and Thomas Creek approximately ½ mile south of Hunters Spring and follow to the west to NFSR 3870 above Cottonwood Reservoir.

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:

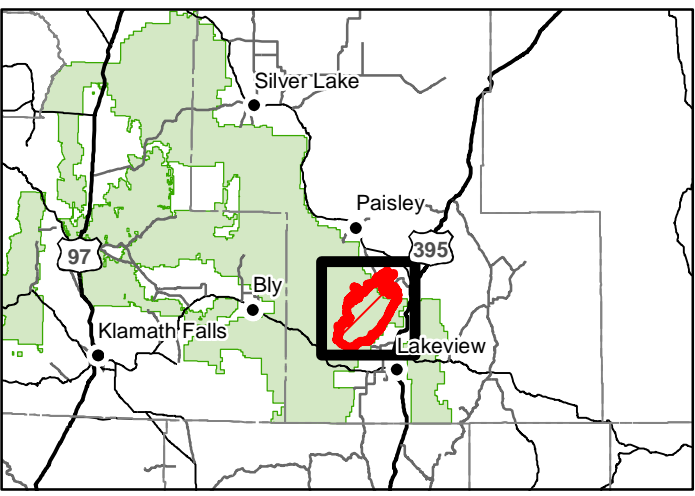
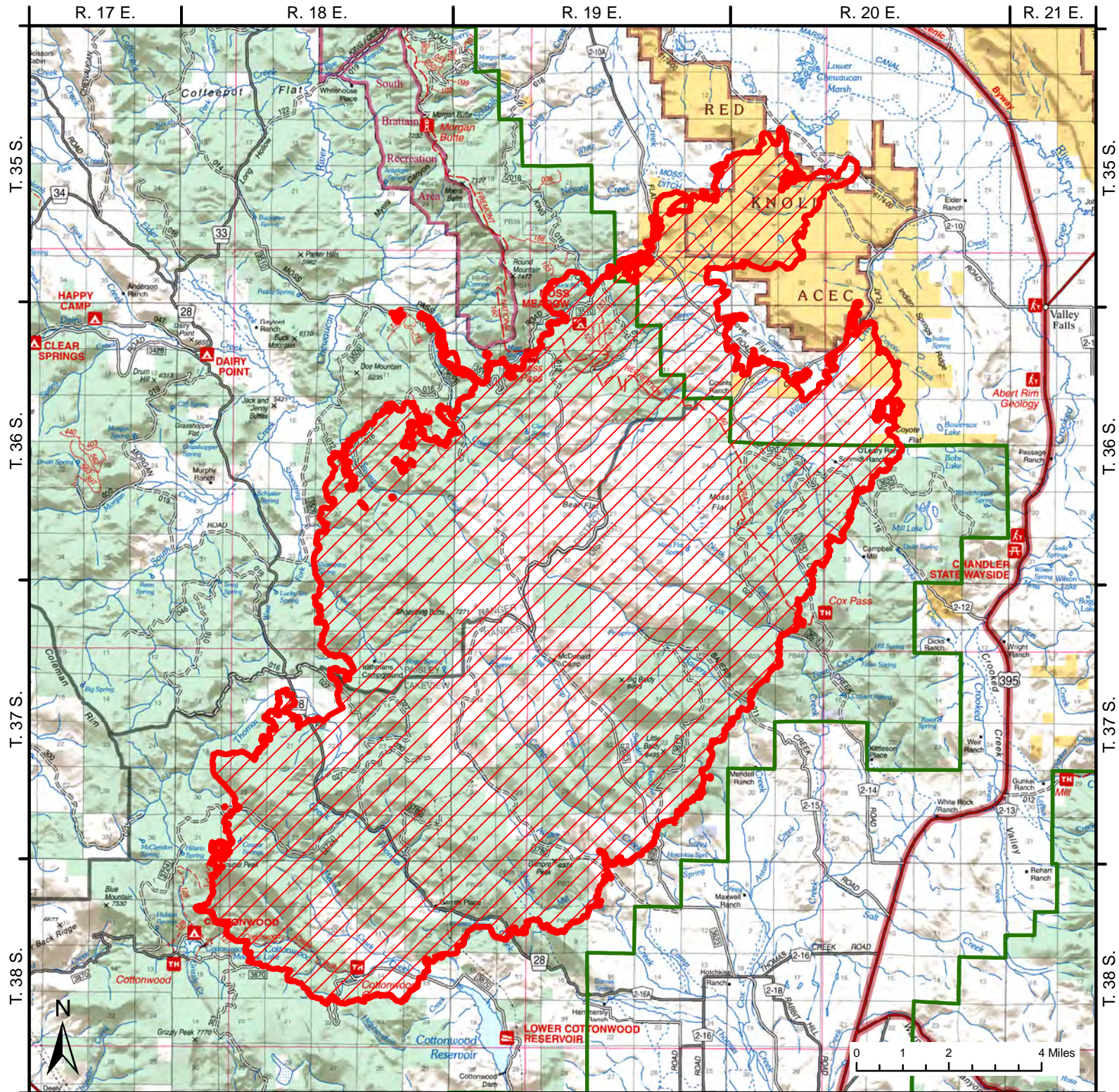
1. Persons with Forest Service Permit No. FS-7700-48 (Permit for Use of Roads, Trails, or Areas Restricted by Regulation or Order) specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State or Local Officer or member of an organized firefighting force in the performance 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 October 12, 2021, at _____ AM / PM.

BARRY L. IMLER
Forest Supervisor
Fremont-Winema National Forest



Cougar Peak Closure Exhibit A
Closure Number 06-02-21-11
Fremont-Winema National Forest (541) 947-2151

Legend

-  Area Closure
-  USFS Admin Boundary
-  Fremont-Winema National Forest





File Code: 1950
Route To:

Date: October 12, 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 #06-02-21-11

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 and Paisley Ranger Districts of the Fremont-Winema National Forest associated with the Cougar Peak Fire suppression activities from October 12, 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 continued suppression and repair activities from the Cougar Peak Fire. The Cougar Peak Fire is an uncontrolled wildfire burning in the area and continuing to cause risks to public and firefighter safety within the perimeter. This closure also scales to the fire perimeter, restoring public access to several popular recreation sites.

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

Scoping occurred with the Lakeview and Paisley Ranger District Staffs, 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

