



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 and roads within the following described area on the Fremont-Winema National Forest, Bly, Chemult, Chiloquin, Lakeview, Paisley and Silver Lake Ranger Districts, as described in the attached Exhibit A. This Order becomes effective on July 27, 2021, and will remain in effect through December 31, 2021, or until rescinded.

This order supersedes and rescinds order #06-02-21-05 signed by Forest Supervisor Barry Imler on July 12, 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)**

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

AFFECTED AREA/CLOSURE AREA:

All National Forest System lands south of Silver Lake Road between U.S. Highway 97 and Oregon State Highway 31. All National Forest System lands west of Oregon State Highway 31 and U.S. Highway 395 between Silver Lake Road and the junction with Oregon State Highway 140. All National Forest System lands north of Oregon State Highway 140 between U.S. Highway 395 and Sprague River Road. All National Forest System lands northeast of Sprague River Road from the junction with Oregon State Highway 140 through Chiloquin. All National Forest System lands east of U.S. Highway 97 between Chiloquin and Silver Lake Road. 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.

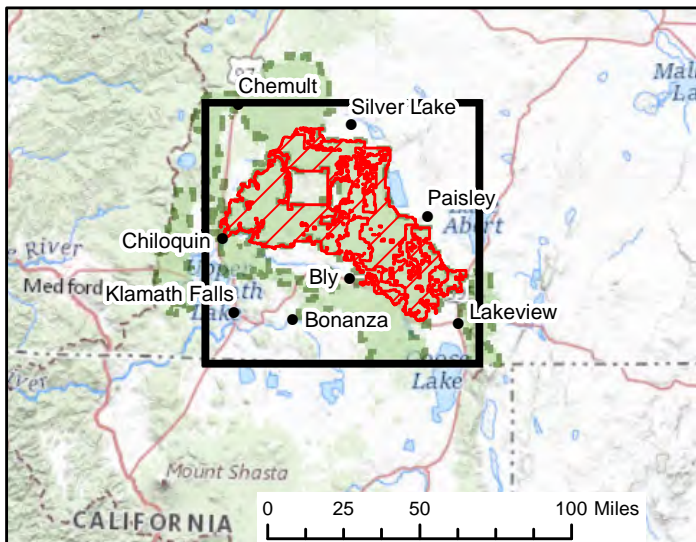
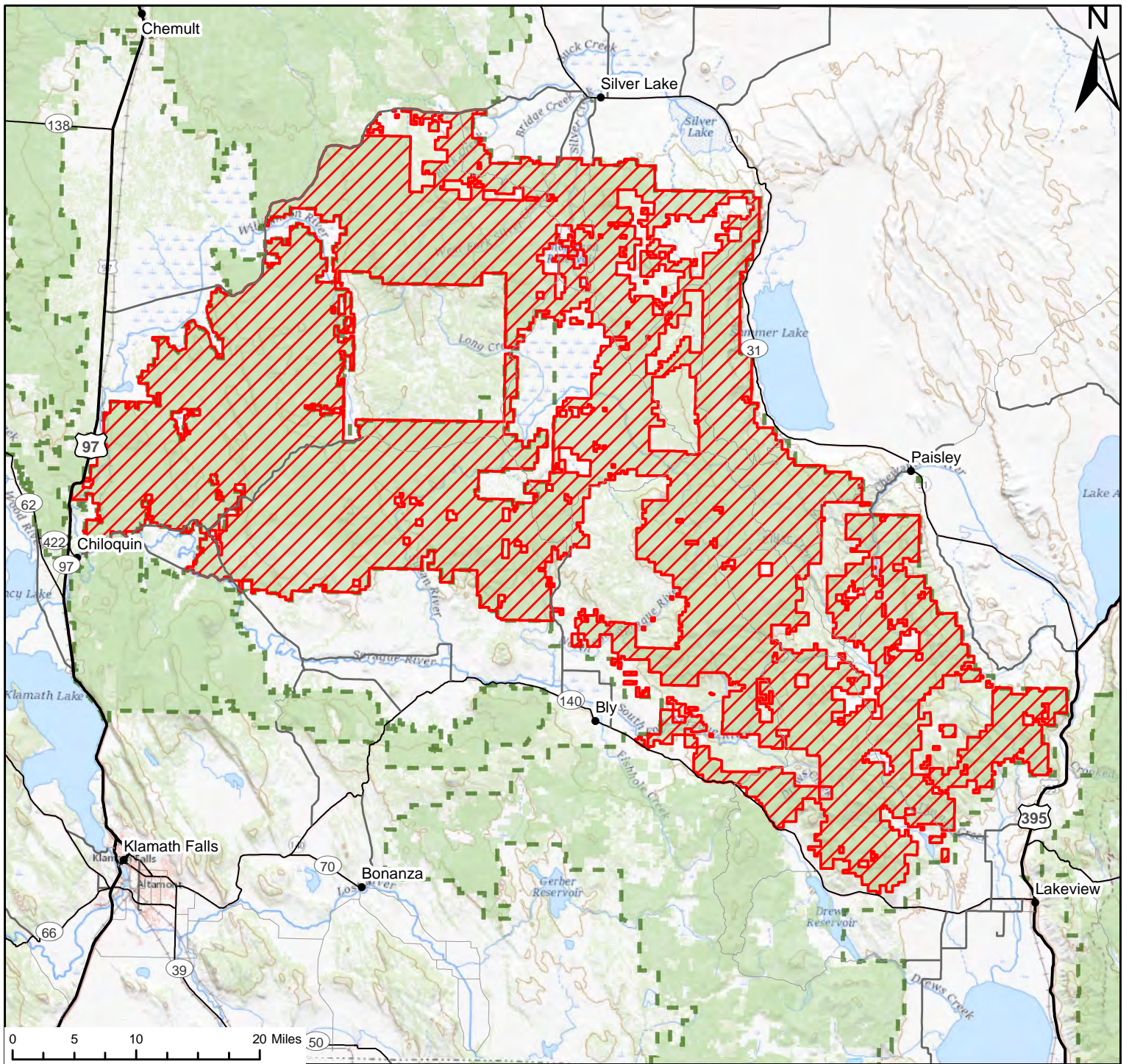


ORDER NO. 06-02-21-07

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 July 27, 2021, at _____ AM / PM.

BARRY L. IMLER
Forest Supervisor
Fremont-Winema National Forest



Bootleg Fire Exhibit A
Closure Number 06-02-21-07
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: July 27, 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 #06-02-21-07

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 Bly, Chemult, Chiloquin, Lakeview, Paisley and Silver Lake Ranger Districts of the Fremont-Winema National Forest associated with the Bootleg Fire suppression activities from July 27, 2021 through December 31, 2021 or until the order can be rescinded. Similar emergency fire area closures, including the Two Four Two Fire on the Chiloquin 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 Bootleg Fire. The Bootleg Fire is an uncontrolled wildfire burning in the area that is rapidly growing in extreme conditions. 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 Bly, Chemult, Chiloquin, Lakeview, Paisley and Silver Lake District Rangers of the Fremont-Winema National Forest.

Scoping occurred with the Bly, Chemult, Chiloquin, Lakeview, Paisley and Silver Lake District Staffs, the Incident Commanders, the District Duty Officers, Forest Fire Staff and the Agency Administrator assigned to the Bootleg 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

