ORDER NO. 06-02-21-09

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, Bly, Chiloquin, Paisley and Silver Lake Ranger Districts, as described in the attached Exhibit A. This Order becomes effective on September 2, 2021, and will remain in effect through August 31, 2022, or until rescinded.

This order supersedes and rescinds order #06-02-21-08 signed by Forest Supervisor Barry Imler on August 5, 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 Bootleg Fire.

AFFECTED AREA/CLOSURE AREA:

All National Forest System lands within the perimeter of the Bootleg Fire. The following areas are closed starting at the southwest corner at the National Forest Boundary (Boundary) and National Forest Road (NFR) 4433 west of Cooks Mountain to NFR 4465 proceeding north around the west side of Fuego Mountain, then northeast to the junction with NFR 44, following north to NFR 4652. Following NFR 4652 northeast to NFR 4659 and continuing northeast towards the Boundary located south of Hamelton Butte and then proceeding to the north and northeast to Indian Creek Road. Following Indian Creek Road east to NFR 27, then turn southwest on NFR 27 into Sycan Marsh, then proceed southeast through Sycan Marsh to NFR 3207 and continue east on NFR 3207 to NFR 3239. Proceed northeast along NFR 3239 then turn eastward and continue just to the south of NFR 3219, also known as Chocktoot Creek Road. At the junction with NFR3219 and Chocktoot Creek, turn southeast along the creek towards NFR 2901-036. Proceed south on NFR 2901-036 and then south on NFR 2901 west of Currier Horse Camp and Trailhead, then due south to NFR 28. Follow NFR 28 south to NFR 3380, then west on NFR 3380 to NFR 3380-19, also known as Watson Place, and continue to the southwest to NFR 3372, then south to NFR 3411. Turn back east on NFR 3411 past Lee Thomas Campground to NFR 28. Continue south on NFR 28 to NFR 34, then turn west along NFR 34 to Dead Horse Creek. Between Dead Horse Creek and the Lake and Klamath County Line at Long Creek west of Mitchell Monument, the fire perimeter is south of NFR 34. Follow NFR 34 to the Boundary and then turn northwest along Merrit Creek Road to NFR 3411, then follow NFR 3411 north to the North Fork of the Sprague River and continue southwest approximately 1 mile, then turn northwesterly through Preacher Flat to Meryl Creek. Follow Meryl
Creek southwest to the Boundary, then continue west to the point of beginning at the Boundary and NFR 4433.

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 _September 2, 2021_, at ________ AM / PM.

BARRY L. IMLER
Forest Supervisor
Fremont-Winema National Forest
Bootleg Fire Exhibit A
Closure Number 06-02-21-09
Fremont-Winema National Forest
(541) 947-2151

Legend

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

Map showing closure areas and boundaries with respective towns and cities marked.
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 #06-02-21-09

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 Bly, Chiloquin, Paisley and Silver Lake Ranger Districts of the Fremont-Winema National Forest associated with the Bootleg Fire suppression activities from September 2, 2021 through August 31, 2022 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 continued suppression and repair activities from the Bootleg Fire. The Bootleg Fire is a contained but 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 Bly, Chiloquin, Paisley and Silver Lake District Rangers of the Fremont-Winema National Forest.

Scoping occurred with the Bly, Chiloquin, Paisley and Silver Lake District Staffs, 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 IMLER
Forest Supervisor