

ORDER NO 02-09-01

CLEVELAND NATIONAL FOREST

EMERGENCY CLOSURE

Pursuant to 36 CFR 261.50(a), and to protect nesting Golden Eagles, the following act is prohibited within the Cleveland National Forest. This Order is effective from January 24, 2009, through July 1, 2009.

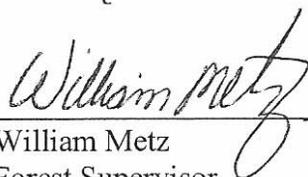
Going into or being upon the eastern face of Glencliff, as shown on attached map.

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

1. Persons with a permit from the Forest Service specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State, or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.

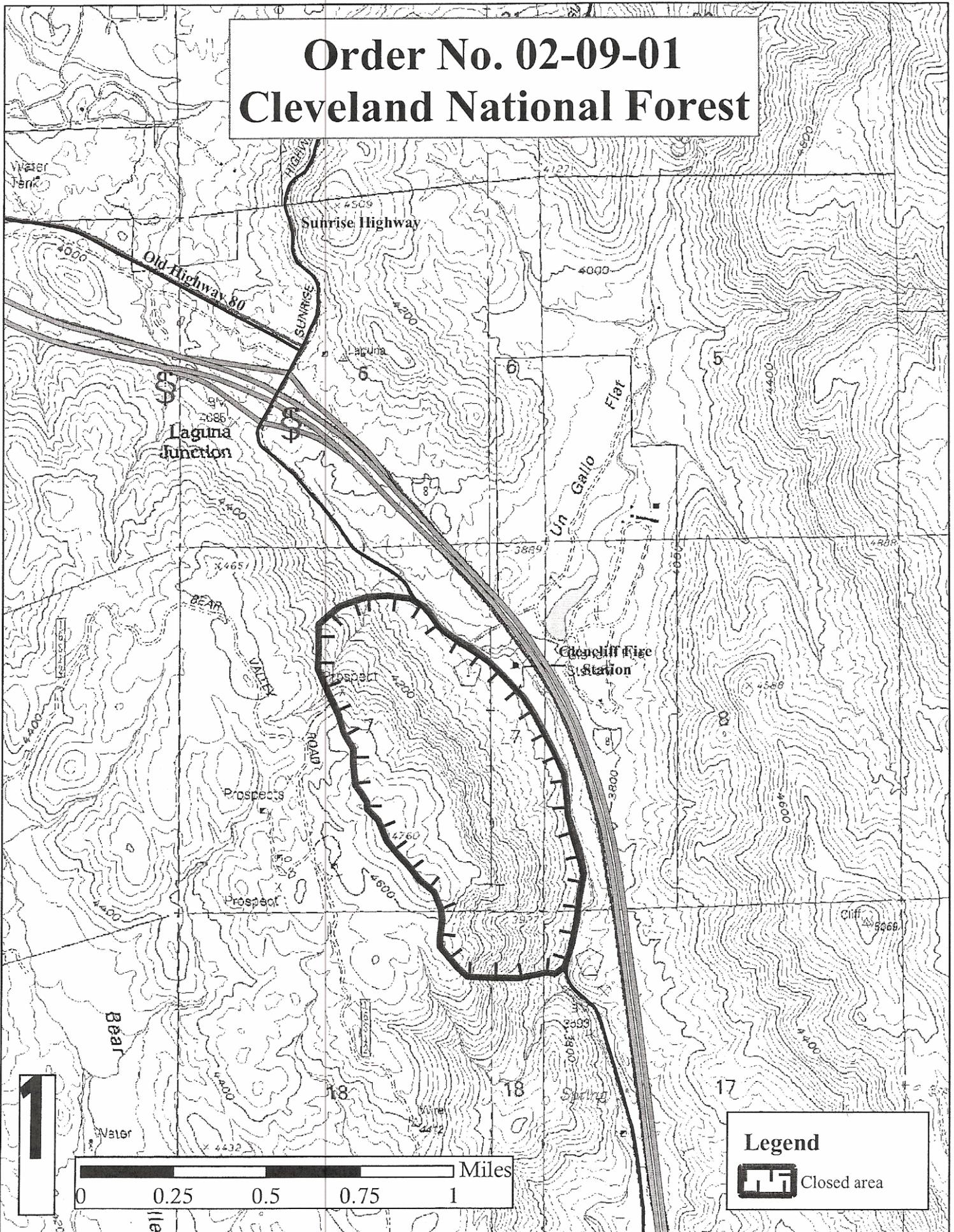
This prohibition is in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

Done at San Diego, California, this 30<sup>th</sup> day of JANUARY, 2009.

  
William Metz  
Forest Supervisor

A violation of this prohibition is punishable by a fine of not more than \$5000 for an individual or \$10,000 for a legal entity other than an individual, or imprisonment for not more than six (6) months, or both. 16 USC 551 and 18 USC 3559, 3571, and 3581.

# Order No. 02-09-01 Cleveland National Forest



## **DECISION MEMO**

### **U. S. DEPARTMENT OF AGRICULTURE – FOREST SERVICE**

#### **FOREST CLOSURE ORDER**

(Emergency Closure 02-09-01)

#### **CLEVELAND NATIONAL FOREST**

#### **DECISION**

It is my decision to issue a Forest Order authorizing a temporary area closure on the Cleveland National Forest. The closure represents a portion of the Cleveland National Forest and is consistent with the Forest's Land Management Plan. The closure will be in effect from January 24, 2009 through July 1, 2009, and will protect nesting Golden Eagles.

#### **NEED FOR THE PROPOSED ACTION**

There is a need for this action because of the threat to Golden Eagles from human disturbance. Glencliff is a known nesting site for Golden Eagles, which are very sensitive to the presence of people near their nests. Human activity near a nest site may cause auditory or visual disturbance to the birds. Golden Eagles often respond to human presence by either spending more time away from the nest, which can result in offspring dying, or complete abandonment of a nest, as adult eagles will avoid areas where people are present. A failed nesting attempt at this site in 2008 has put this nest at risk of abandonment. As a result, it is important to restrict the continued presence of humans near the nesting site in the 2009 season. This risk of failure due to potential conflicts between nesting eagles and Forest visitors has been identified as an urgent situation requiring a closure.

This closure is believed to be the most immediate and effective method to reduce the potential for disturbance of Golden Eagles.

#### **PROPOSED ACTION**

Implement area closures that are consistent with the Forest's Land Management Plan.

Area Closure, Forest Order 02-09-01 will close National Forest System lands on the Descanso Ranger District on the eastern slope of Glencliff. This closure will protect nesting Golden Eagles at this site.

#### **REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION**

This decision is categorically excluded from documentation under Forest Service Handbook 1909.15, Section 31.1b(1) – Orders issued pursuant to 36 CFR Part 261.50 – Prohibitions to provide short-term resource protection or to protect public health and safety.

As a result of the above-mentioned analyses, I find there are no extraordinary circumstances that might cause the action to have significant environmental effects; therefore the proposed action is excluded from documentation in an Environmental Impact Statement or Environmental Assessment.

### **SCOPING**

Coordination with the following co-operating agencies was conducted prior to implementation of the closure order:

1. California Department of Fish and Game    Resource Agency
2. US Fish and Wildlife Service                      Resource Agency

No significant issues were raised during these scoping sessions.

### **ALTERNATIVES**

#### **No Action**

Under this alternative, significant impacts to resource values of concern will occur.

#### **Total Closure**

Under this alternative, a Forest Order will be issued that will promote protection of resource values.

### **ENVIRONMENTAL CONSEQUENCES**

The closure will not adversely affect resource values. In fact, it will protect species of concern.

The closure will limit public use of the area, most specifically the recreation use of the area. It is designed to prohibit unauthorized use of the area. Visitors whose values and traditions involve the use of activities prohibited in the Closure Area will be directed by Forest Service personnel to areas where those activities are authorized

### **FINDINGS REQUIRED BY OTHER LAWS.**

This action is consistent with management direction (Cleveland National Forest Land and Resources Management Plan) as required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12).

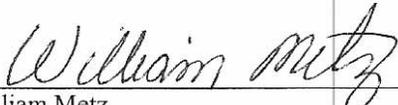
**IMPLEMENTATION DATE**

This action may be implemented immediately.

**ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This action is not subject to review or appeal under the requirements of 36 CFR 215.8 (4).

Done at San Diego, California, this 30<sup>th</sup> day of JANUARY, 2009

  
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William Metz  
Forest Supervisor, Cleveland National Forest