

SPECIAL ORDER #373
WALLOWA-WHITMAN NATIONAL FOREST

OCCUPANCY AND USE

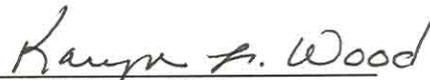
Pursuant to Title 36 Code of Federal Regulations Section 261.50(a) and (b), the following acts are prohibited on all lands, roads and trails within the Wallowa-Whitman National Forest, until further notice.

1. Possession of any beverage, which is defined as an alcoholic beverage by State law, by a person who is under the age of 21 years. 36 CFR 261.58 (bb).
2. Possessing, storing, or transporting marijuana as defined in Title 21, United States Code, Section 802, paragraph 16, and the prohibitions contained in 21 USC 844 (a). 36 CFR 261.58 (t).
3. Using a motor vehicle on any Forest Development Road maintained for passenger car traffic when such motor vehicle is not approved for use on public highways by the state in which the road resides. 36 CFR 261.54(a).
4. Being on a Forest Development Road when operating a motor vehicle while under the influence of intoxicants as defined by State law. 36 CFR 261.54(e).
5. Operating a motor vehicle on a Forest Development Road carelessly, recklessly, or without regard for the rights or safety of other persons, or in a manner or at a speed that would endanger or be likely to endanger any person or property. 36 CFR 261.54(f).
6. Operating a vehicle on a Forest Development Road without a valid state drivers license and vehicle registration as required by state law. 36 CFR 261.54(d).
7. Except when authorized by a Forest Officer, camping in excess of 14 days during any 30 day period. 36 CFR 261.58(a).
8. Parking or leaving a vehicle in violation of posted instructions. 36 CFR 261.58(g).
9. Using a vehicle equipped with other than pneumatic tires, except snowmobiles, on any Forest Development Road bridge. 36 CFR 261.54(a).
10. Using any Forest Development Road for commercial hauling with a vehicle in excess of 10,000 pounds G.V.W.. 36 CFR 261.54(c)

Pursuant to 36 CFR Sec. 261.50(e), the following persons are exempt from items 3, 7, 8, 9 and 10 of this order:

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

Done at Baker City, Oregon this 9th day of December, 1998.



KARYN L. WOOD

Forest Supervisor

Wallowa-Whitman 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. Title 16 USC Section 551, and 18 USC 3571, 3581, 3559.

Title 16 USC, Section 551.

Supporting Documentation

Special Order No. #373

Statement of Need:

This special order consolidates public safety and occupancy regulations applicable to the Wallowa Whitman National Forest into one document. Items one through seven bring forest regulations into conformity with state law and give Forest Service enforcement personnel jurisdiction over the public safety issues of misdemeanor marijuana possession, minors in possession of alcohol, operations of unlicensed vehicles such as ATV's on Level III-V roadways, driving on forest roads under the influence of intoxicants, operating a motor vehicle recklessly and carelessly on forest roads, and driving without a valid drivers license. It also establishes a 14 day camping limit which is designed to keep individuals from monopolizing popular recreation sites as well as to help prevent individuals from taking up residency on national forest lands. Item eight allows forest officers to enforce parking signs. The need for this order arises from the increased visitation the forest has received over the past several years. Item nine protects bridges by making it illegal to drive any vehicle upon them that does not have regular pneumatic tires, with the exception of snowmobiles. The final item prohibits commercial hauling on forest roads by vehicles over 10,000 pounds GVW. This prohibition is intended to affect heavier vehicles such as logging trucks but to exempt lighter trucks such as pickups.

Enforcement Procedures:

- Item 1.: This prohibition, prohibiting minors from consuming alcohol, will only be enforced by Law Enforcement Officers and Special Agents. Whenever possible, officers will attempt to refer these cases to local authorities for prosecution. The main emphasis will be to interrupt alcohol parties and remove the intoxicants to prevent minors from driving while intoxicated, creating disturbances and littering.
- Item 2.: This prohibition, creating a misdemeanor penalty for marijuana possession, will only be enforced by Law Enforcement Officers and Special Agents, and will be used for minor amounts of marijuana up to one ounce. Amounts exceeding one ounce will normally be either prosecuted as a felony or referred to local authorities.
- Item 3.: This section would prevent unlicensed vehicles from operating on Level III-V Forest Roads used and maintained for general vehicular traffic. Only Law Enforcement Officers or Special Agents will conduct vehicle stops for these types of prohibitions. This regulation is worded to adopt state law. Officers should use good discretion with this regulation and emphasize the use of warnings unless the violator demonstrates prior knowledge of the regulation.
- Item 4.: This prohibition, prohibiting driving under the influence of intoxicants, will only be enforced by Law Enforcement Officers and Special Agents. When these cases are encountered, they will be handled by local prosecution and whenever possible, referred to another agency. When this is not possible, the officer may continue

as the lead officer. The officer's primary objective will be to prevent the impaired operator from driving.

Item 5.: This prohibition will normally only be enforced by Law Enforcement Officers or Special Agents. When such cases are encountered, officers should consider the possibility of referring to another agency or writing a mandatory citation, depending upon the severity of the offense.

Item 6.: This regulation assimilates state drivers license and vehicle registration requirements. This regulation will only be enforced by Law Enforcement Officers and Special Agents. Whenever possible, such violations will be referred to state or county officers. Citations may be written for suspended/revoked drivers licenses as a last resort. In such cases the officer should obtain copies of the violators driving status at the time of contact from the local dispatcher for inclusion in the report. No citations will be issued for registration violations. That part of the regulation is intended as a tool for use in detecting stolen vehicles that have not been entered into the system.

Item 7.: This regulation, which prohibits camping in excess of 14 days, will be used by all officers to manage recreational use on the forest. Recreationists who are camped on the forest and wish to stay beyond their 14 day limit will be extended by the forest officer for a reasonable period of time if they meet the following criteria:

1. The recreationists are truly camping and not using the forest for residential purposes;
2. The recreationist is not occupying a site that the forest officer knows is in high demand or in which another recreationist has requested to camp;
3. The recreationist is causing no significant resource damage.

Officers will give a warning, verbal or written, and provide the violator a reasonable amount of time to move camp prior to issuing a Violation Notice.

Item 8.: Officers enforcing this prohibition, which allows for the enforcing of parking restrictions, will normally contact the driver of the offending vehicle prior to issuing a violation notice. Warning notices may be left on unattended vehicles with only the license portion filled out. Currently, citations should be issued to the operator of the vehicle in person. Authority to leave citations on unoccupied vehicles issued to the registered owner has been authorized by the U.S. Attorney's Office. Further direction will be forthcoming.

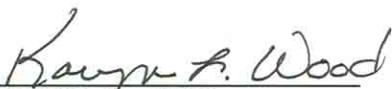
Item 9.: No special procedures are identified for this prohibition.

Item 10. Only LEO's and Special Agents will stop moving vehicles suspected of this violation. FPO's may enforce this prohibition once the offending vehicle has stopped. Officers should attempt to determine if the violator knew or had the opportunity to know, about this prohibition. The road manager or district ranger should be informed of any such violations.

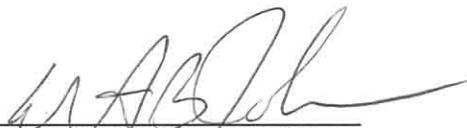
Supporting Documentation (cont.)

Posting:

A poster will be designed for use on all major bulletin boards describing the prohibitions contained in this order. In addition, major roads will be posted with signs that indicate commercial hauling is prohibited without a permit and that state traffic laws apply on all National Forest roadways.



KARYN L. WOOD
Forest Supervisor



DWIGHT B. JOHNSON
Supervisory Law Enforcement Officer