ORDER

OCCUPANCY AND USE

UMATILLA NATIONAL FOREST

Pursuant to 36 CFR, Sec. 261.50(a) and (b), the following acts are prohibited on all lands, roads and trails within the Umatilla National Forest, until further notice.

1) Possessing, consuming, or furnishing an alcoholic beverage (as defined by state law) in violation of state law. **36 CFR 261.58(bb)**

2) Possessing, storing, or transporting any part of a tree or other plant as specified in the order. For the purpose of this order, this restriction applies to any person who possesses, stores or transports 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) For the health and public safety of the general public it is prohibited to Possess a controlled substance, as defined by pert B of the controlled substance Act (21 USC section 812 to include any drug or other controlled substance, or other immediate precursor included in schedules I. II, III, IV or V) and any associated paraphernalia. **36 CFR 261.53(e)**

4) Using any type of vehicle prohibited by the order. For the purpose of this order, this restriction applies any person who uses a motor vehicle on a National Forest System Road when the motor vehicle is prohibited for use on such roads by State law **36 CFR 261.54(a)**

5) Operating a vehicle 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 likely to endanger any person or their property. **36 CFR 661.54(f)**

6) Operating a vehicle in violation of the speed, load, weight, height, length, width, or any other limitations specified by the order. For the purpose of this order, this restriction applies to any person who operates a vehicle: **36 CFR 261.54(d)**

a) Operating a motor vehicle in violation of state law. **36 CFR 261.54(d)**

b) Operating a motor vehicle on the Umatilla NF without a valid state driver's license. **36 CFR 261.54(d)**

7) Camping for a period longer than allowed by the order. For the purpose of this order, this restriction applies to any person who camps in excess of 14 days within any 30 day period, except by written authorization by the Forest Supervisor or District Ranger **36 CFR 261.58(a).**

8) Parking or leaving a vehicle in violation of posted instructions **36 CFR 261.58(g).**

9) Using any type of vehicle prohibited by the order. For the purpose of this order, this restriction applies any person who uses a motor vehicle on any National Forest System Road bridge, other than a snowmobile, when such motor vehicle is equipped with other than pneumatic tires. **36 CFR 261.54(a))**

10) Using a road for commercial hauling without a permit or written authorization. For the purpose of this order, this restriction applies to any person who uses a road for commercial hauling with a vehicle in excess of 20,000 pounds gross vehicle weight **36 CFR 261.54(c)**

11) Being publicly nude. For the purpose of this order, this restriction applies to any person who is publicly nude while in a developed recreation site **36 CFR 261.58(j)**

12) Operating or otherwise using a motorboat or any other type of vessel in violation of state law. **36CFR 261.58(n)**

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, when operating an emergency vehicle in accordance with applicable state law.

These prohibitions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A.

Done at Pendleton, Oregon, this 6 day of July, 2009.

KEVIN MARTIN
Forest Supervisor
Umatilla 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. (16 U.S.C. 551 and 18 U.S.C. 3559 and 3571)

Supporting Documentation

Statement of Need:

This order updates and enhances and supercedes the Umatilla National Forest public safety and use order number 0614-0019-04 issued in 2006. The original statement of need is still valid:

> This special order consolidates public safety and occupancy regulations applicable to the Umatilla National Forest into one document. Items one through twelve bring forest regulations into conformity with state law and give Forest Service enforcement personnel jurisdiction over the public safety issues of misdemeanor drug possession, alcohol related violations, operations of unlicensed vehicles such as ATV's on open roadways, driving on forest roads under the influence of intoxicants, operating a motor vehicle recklessly and carelessly on forest roads, driving without a valid drivers license, operating a vehicle in violation of state law, operating or using a boat in violation of state law. 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. This order also prohibits commercial hauling on forest roads by vehicles over 20,000 pounds GVW. This prohibition is intended to affect heavier vehicles such as logging trucks but to exempt lighter trucks such as pickups. these changes will increase the effectiveness of our public safety and resource protection efforts, and will help us ensure that the Umatilla National Forest continues to provide a family-friendly environment in which to recreate.

Enforcement Procedures:

Item 1:

This prohibition, will among other things, prohibit minors from consuming alcohol and the possession of open alcoholic beverages in vehicles. This item will only be enforced by Law Enforcement Officers and Special Agents. 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 prohibition creates a misdemeanor penalty for simple possession of small amounts of controlled substance and associated paraphernalia. This prohibition will be enforced by Law Enforcement Officers and Special Agents only

Item 4:

This section prevents street legal vehicles from operating on 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.

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 arrest, referring to another agency, or writing a mandatory citation, depending upon the severity of the offense.

Item 6:

This regulation assimilates state drivers license, vehicle registration requirements, proof of insurance, DUI and state traffic offenses. This regulation will only be enforced by Law Enforcement Officers and Special Agents. In cases involving invalid driver's licenses, the officer should obtain copies of the violators driving status at the time of contact from the local dispatcher for inclusion in the report. When DUI cases are encountered, they will be handled by local prosecution whenever possible. The officer's primary objective will be to prevent the impaired operator from driving.

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. 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. Violation Notices and Warning Notices may be left on unattended vehicles with only the license portion filled out. If a citation is left on a vehicle with only the license number noted, the registered owner will be ascertained and listed as the violator on the CVB copy. The fact that the citation was issued to an unoccupied vehicle should be noted in the probable cause statement.

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.

Item 11:

No special procedures are identified for this prohibition. Enforcement will normally be limited to instances where voluntary compliance cannot be gained.

Item 12:

This regulation assimilates state requirements for operating and using boats and or marine vessels on public waterways, such as the Grande Ronde River, Pendlend Lake, Bull Prairie Lake and Olive Lake. It will be enforced by LEOs, FPOs, and Special Agents to protect the safety of the general public while boating.

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 will apply on all National Forest roadways.

Enforcement Plan

Action	Responsible Official	Date
Prepare proposed order	Appropriate Staff with LEI input	
Review proposed order	Patrol Captain	7/6/09
Approve proposed order	Forest Supervisor	
Post order in accordance with 36 CFR 261.51	District Staff Officer and Staff	Ongoing
Prepare news release for local media describing the order and management objectives	District Ranger PAO LEO	N/A

Enforcement Plan approved for implementation:

KEVIN MARTIN
Forest Supervisor

WALTER MERRITT
Patrol Captain

7-6-09
Date