

Occupancy and Use
WALLOWA-WHITMAN NATIONAL FOREST
HELLS CANYON NATIONAL RECREATION AREA

Pursuant to Title 36 Code of Federal Regulation, Part 261.50(a), the following acts are prohibited on waters within the Hells Canyon National Recreation Area, Wallowa-Whitman National Forest:

1. Operating a motorboat carelessly, recklessly, or without regard for the safety of any person, or in a manner that endangers, or is likely to endanger, any person or property. 36 CFR 261.58(n)
2. Operating a motorboat while under the influence of alcohol or other drug. 36 CFR 261.58(n)
3. Possessing or operating a motorboat in violation of applicable State or Federal law or regulation established for use of watercraft in inland waters. 36 CFR 261.58(n)
4. Entering or being in a body of water, while in possession or control of a watercraft which does not contain a serviceable and easily accessible U.S. Coast Guard approved Type I, II, or III personal flotation device (PFD), for each person on the vessel. 36 CFR 261.58(k)
5. Entering or being in a body of water, while in possession or control of a watercraft with children age 12 years or younger who are not each wearing a serviceable U.S. Coast Guard approved Type I, II, III, or V personal flotation device. 36 CFR 261.58(k)
6. Entering or being in a body of water, while in possession or control of a watercraft which does not contain all required safety equipment as specified in applicable State or Federal law or regulation. 36 CFR 261.58(k)
7. Water skiing. 36 CFR 261.58(o)
8. Possessing or operating a motorboat which does not contain a serviceable and easily accessible U.S. Coast Guard approved Type I, II, or III personal flotation device (PFD), for each person on the vessel. 36 CFR 261.58(n)
9. Possessing or operating a motorboat with children age 12 years or younger who are not each wearing a serviceable U.S. Coast Guard approved Type I, II, III, or V personal flotation device. 36 CFR 261.58(n)

Done at Baker City, Oregon this 13th day of July, 1998.

Karyn L. Wood
KARYN L. WOOD
Forest Supervisor

Violation of these prohibitions is punishable by a fine of not more than \$5,000.00, imprisonment for not more than six months, or both.

ADDENDUM TO ORDER NO. 366
HELLS CANYON NRA

STATEMENT OF NEED

The Snake River within the Hells Canyon National Recreation Area is located within several State and County jurisdictions. Although most agencies with enforcement authority on the river have occasional patrols, the Forest Service is the only agency which has regular boat patrols and which has enforcement authority on the entire river corridor. This order gives the Forest Service the necessary tools in order to promote and enforce boating safety laws and regulations on the Snake River, and to help ensure the safety of the boating public who use the National Recreation Area. Clauses no. 5 and 9 assimilate an Oregon State statute requiring PFD use by children. Since any watercraft using the river must of necessity negotiate both the Oregon and Idaho sides of the main channel, this order allows consistent enforcement and safety on the entire river. Clause no. 7 strengthens an already-existing permit requirement.

ENFORCEMENT POLICY

Clauses 3-9 may be enforced by any Forest Officer, either FPO or LEO. Clauses 1 and 2 may only be enforced by LEOs because of the need to perform a stop and the potential of boating accidents and encountering violent subjects/suspects.

Clauses 1, 2, 4, and 8 require immediate enforcement action due to the risk caused to the public. Unsafe boats and/or operators must be removed from the river as soon as possible. Intoxicated powerboat operators cannot be allowed to continue boat operation. In this case the operation of the boat should be turned over to another competent and sober individual. Because of transport difficulties, arrests for clause 2 will not normally be performed by Forest Officers, unless, in the officer's opinion, not placing the subject in custody would present an unacceptable risk to the public.

Because of the fact that the need for PFDs is generally known, violations of clauses 4 and 8 will normally result in a Violation Notice and the boat will be required to leave the NRA until a suitable PFD for all occupants on the boat is obtained. A PFD may be loaned to the boat operator for use while in transit to the point of departure.

Clauses 5 and 9 reflect an Oregon statute taking effect in early 1998. Since this is new, and many river users are not from Oregon, restraint is advised in taking enforcement action. Verbal or written warnings are the preferable actions on first offenses at this time. U.S. Coast Guard inspected boats, such as charters and tour boats usually carrying more than six passengers, are exempt from this order. This order does not apply to children in an enclosed cabin or below deck.

Enforcement action taken for other violations is left to Officer discretion, dependent upon the seriousness of the situation as determined by the Officer.

POSTING

A copy of this order will be posted at Forest Service offices in Clarkston, WA; Riggins, ID; Enterprise, OR; and Baker City, OR. Additionally, a message explaining the Subpart B orders applicable to the HCNRA Snake River corridor (see Exhibit A) will be on display at the major entrance portals at Cache Cr., Dug Bar, Pittsburg Landing and Hells Canyon Dam launch facility.

EXHIBIT A

REGULATIONS

HELLS CANYON NATIONAL RECREATION AREA

1. A permit is required for being on the Snake River between Cache Creek and Hells Canyon Dam. Permits may be obtained at Cache Cr., Dug Bar, Pittsburg Landing and the Hells Canyon Dam launch site. Permit holders must abide by all terms of the permit. Launch reservation requirements are in effect during the summer high-use season; please call the HCNRA Clarkston office at (509)758-0616 for information.
2. Operating a motorboat carelessly, recklessly, negligently, or while under the influence of alcohol or other drug, is prohibited.
3. All watercraft must contain a serviceable and easily accessible Coast Guard approved life preserver (personal flotation device, or PFD) for each person on the boat.
4. Children age 12 years or younger must wear a Coast Guard approved PFD at all times while on board any watercraft, except while in an enclosed cabin or below deck. (Not applicable to larger commercial craft, defined as Coast Guard inspected vessels.)
5. Watercraft must be operated in accordance with State and Federal laws concerning water safety and Rules of the Road.
6. Watercraft must meet all State and Federal safety and registration requirements.
7. Campfires and stove fires are permitted (unless special fire restrictions are in effect), within 1/4 mile either side of the Snake River, under the following conditions:
 - Open fires must be on/in a firepan. The firepan must be constructed of non-flammable material or metal, with a raised edge to contain ashes. All ashes must be removed.
 - Burning of wood or wood products is prohibited between July 1 and September 15 (dates inclusive). Wood may be burned the rest of the year if the wood is brought from outside the NRA. (Cutting fuel wood is prohibited under the permit.)
 - Gas stoves and enclosed wood-burning stoves with 1/4-inch or less mesh screening covering the chimney opening are permitted year-round.
8. Camping at any one campsite for a period exceeding 14 days is prohibited, except that shorter periods are in effect during the summer high-use season. Please refer to the permit for details.
9. Water skiing is prohibited.

Title 16, United States Code, Section 551