

## Guide to Wilderness CFR Education & Enforcement

These are our most commonly violated Wilderness CFRs (Code of Federal Regulations), along with their potential fines and suggested points to communicate with visitors. Some of these CFRs are Special Orders that only apply to the Deschutes National Forest, while others apply to all Wilderness areas across the country.

Our primary goal is to gain compliance now and in the future by using the most educational and persuasive approach appropriate for each visitor. For most visitors that is a friendly conversation using “Authority of the Resource Technique” (ART). For others it involves Law Enforcement (LE) such as a written Warning or, for a special few, a Violation Notice (VN), also known as a citation or ticket. However, only Forest Protection Officers (FPOs) can issue Warnings or Citations. Non-FPO FS employees should document violations they observe using an Incident Report (IR) form, but may not physically issue a Warning Notice or Violation Notice to violators. If an FPO is considering issuing a Citation later, do not issue a written Warning -- that makes a Citation later impossible.

For all CFR violations (except for no permit), at minimum we write an Incident Report (IR), whether or not we make contact with the violator and regardless if we have time to clean up the mess. Only serving a written Warning or Citation makes an IR unnecessary. Our goal is to document every CFR violation we encounter, whether we make contact with the offender or not. With every contact offer Leave No Trace (LNT) materials to keep. If they have children, offer them the kids LNT card.

FS Volunteers may not conduct law enforcement activities. This does not preclude volunteers from making visitor contacts to impart information, including the explanation of regulations, but they may not initiate or threaten legal action beyond what any citizen could do. Volunteers, only if trained to do so, are expected to report violations they observe (as can any citizen) and should fill out an Incident Report form to report their observations to FS personnel. However, volunteers should never fill out an IR in the presence of a suspected violator as it would give the appearance of initiating a legal action, thus potentially impacting the safety of the Volunteer.

Non-FPO employees and volunteers, only if it is safe, can and should collect background information including photos to assist with a law enforcement action at a later time, if an FPO or LEO thinks that is the appropriate response. For all Wilderness staff, because safety is always most important, sometimes it is best to walk away, or not even approach, if the situation looks or feels hazardous.

Remember, the underlying intent of all CFR's is that we are protecting wilderness values and resources, as prescribed by the Wilderness Act, as a place apart from and meant to be different than non-wilderness areas. Many of the activities prohibited or discouraged in wilderness are acceptable elsewhere on the Forest -- the choice to enter wilderness requires a commitment to LNT. We ask all visitors to actively participate in Wilderness stewardship by adhering to Wilderness CFRs and LNT principles to prevent

a downward spiral of deteriorating conditions in areas meant to be as pristine as possible.

Remember, ALWAYS do your paperwork in the field as soon as possible so that your information is as accurate as possible. And take good photos, especially if a citation is a possible outcome.

### Wilderness CFRs

**No Wilderness Permit** 36 CFR 261.57a; \$200.00 WLD; IRC 40 “Entering wilderness without a permit (Memorial Weekend to October 31)”. Applies to every party, every visit, including outfitters (who must also have a copy of their Special Use Permit). Have them fill out a permit on the spot. Must be filled out completely and clearly (if not, ask them to redo it).

ART -- We need your help to keep Wilderness a special place: 1) permits help us find you if there is a wildfire or if you are reported missing; 2) permit data helps us effectively manage wilderness by knowing where to send limited staff; and 3) it provides you with a list of Leave No Trace regulations on the back to help keep wilderness wild; 4) Special announcements for your safety (bears, fires, trail conditions, bridge out...) are posted at or near the permit box. Offer LNT card.

LE: If they give you grief, feel free to give them a formal Warning. If they continue to give you grief, consider issuing an citation. If they fill out a permit, we do not write an IR. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead.

**Inappropriate Fire** 36 CFR 261.52a ; \$250.00 FIR; IRC 40 “Having a fire within 100’ of water or system trail.”

ART -- We need your help.: 1) to protect water purity and aquatic life from ashes washing into the water which alter water chemistry; 2) to protect solitude for other visitors who would see the flames and likely hear you (sound travels across water); 3) to reduce trampling of lake shore vegetation that filters out sediment; and 4) to prevent an unsightly dead zone, stripped of all branches that provide animal habitat and organic material for plants; 5) reduce wildfire risk and the huge expense of suppression; 6) reduce ranger frustration and tax dollars spent on removal of damaging fire rings.

LNT: Ask them to help you eliminate their illegal fire ring. If you want to involve them in extensive work, sign them up on a High Cascade Forest Volunteers (HCFV) agreement. Encourage them to use a stove and a candle lantern, or to enjoy the stars. If they want a fire, help them find a site where a fire is legal & safe (maybe not possible) -- encourage them to keep fire small (only small sticks from ground that burn completely), using a mound fire/pan. Use existing fire rings (build no new rings), scatter cold ashes and unused firewood. Offer LNT card or more detailed information. Beyond the fire issues, encourage them not to camp within 100’ of water or trails in the future.

LE: Write only an IR if you are totally confident they will never violate this CFR again (or you don't see them); usually a written warning makes sense. If you believe they are likely to re-offend, a citation is appropriate. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender not observed.

**Unsanitary Waste** 36 CFR 261.57g or 36 CFR 261.11b; \$300.00 SAN, IRC 40; "Leaving refuse (TP/poop/tampons) in an unsanitary condition".

ART -- We need your help.: 1) to not attract bears, skunks,...ruining yours or others experience; 2) to prevent disease and keep water safe to drink ("just imagine how many poops are deposited around a busy lake each summer"); 3) to insure enjoyment of future visitors ("nothing worse than coming into a beautiful campsite finding TP & poop").

LNT: Bury poop 6-8" deep, > 200' from water, camp, and trails, and preferably even farther away (e.g. during a day hike). Lend them your shovel and encourage them to carry a trowel. Carry out TP/tampons as it slows decomposition (already very slow in alpine settings) and may get dug up by an animal. We can't suggest they burn it, for risk of wildfire. Offer LNT card or more detailed information.

LE: Written warning is generally appropriate; citation if flagrant or uncooperative. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not observed.

**Garbage:** 36 CFR 261.11b; \$300.00 SAN, IRC 40 "Failing to dispose of garbage in a proper manner." This can be as minor as foil or food waste in the fire ring or major as garbage in hole ready to be buried.

ART: We need your help.: 1) garbage can attract bears, skunks,...ruining yours or others experience ("fed bear is a dead bear"); 2) to insure enjoyment of future visitors ("nothing worse than coming into a beautiful campsite finding garbage"); 3) to save the labor of volunteers and tax dollars spent on garbage removal.

LNT: "Pack it in, pack it out" including leftover food, and a little extra -- "Leave it cleaner than you found it.". Ask them to help you search for micro trash (challenge kids to find 5 pieces each). If you want to involve them in packing out other's garbage, sign them up on a HCFV volunteer agreement. Offer LNT card.

LE: Written warning is generally appropriate; citation if flagrant or uncooperative. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not seen.

**Cutting Switchbacks:** 36 CFR 55e; \$100.00 FRT, IRC 40 "Shortcutting a switchback in a trail."

ART: We need your help...: 1) to keep vegetation healthy for wildlife, beauty, and to reduce erosion; 2) xxx

LNT: Show them the damage that cutting causes. Offer LNT card or more detailed information. Ask them to help you place branches over the cut area. If you want to involve them in extensive work, sign them up on a HCFV volunteer agreement.

LE: Written warning is always appropriate; citation if flagrant or uncooperative. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not seen.

**Damaging Vegetation:** 36 CFR 261.6a; \$300.00 (merchantable tree) \$150.00 (for all other vegetation) TIM, IRC 40 “Damaging a live tree or vegetation” Includes removing trees or branches for firewood, bough beds, furniture, carving initials.... This CFR also applies to camping on pristine surfaces that are vulnerable to damage, such as fragile meadows or riparian vegetation.

ART: We need your help...: 1) to keep vegetation healthy for wildlife and pure water (riparian vegetation needed to filter sediment from runoff); 2) to keep wilderness campsites natural for future visitors (wilderness campsites are not meant to be like a groomed campgrounds);

LNT: Offer LNT card or more detailed information.

LE: Written warning is always appropriate; citation if flagrant or uncooperative. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not seen.

**Stock Secured Illegally:** 36 CFR 261.58aa; \$100 WLD, IRC 40 “Riding, hitching, tethering or hobbling a horse or other saddle or pack animal within 200 feet slope distance of any permanent lake, stream, spring, pond or shelter.”

ART: We need your help...: 1) to protect riparian vegetation so that it can filter sediment from run off; 2) to protect drinking water from animal urine and poop; 3) to keep trail side areas attractive and safe for all wilderness visitors.

LNT: Choose durable sites away from water and trails for securing and grazing stock. Out of sight of heavily used areas is best. Use proper containment (hobbles, highlines, electric fence). Minimize number of stock. Offer LNT materials specific to horse users.

LE: Written warning is always appropriate; citation if flagrant or uncooperative. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not seen.

**Disturbing Restoration:** 36 CFR 261.58e; \$100.00 OCU, IRC 40 “Camping or being within areas posted as closed for restoration.”

ART: We need your help... 1) allow plants to grow in sites selected for restoration because they were inappropriate for camping; 2) support the labor of volunteers and tax dollars expended trying to heal a piece of wilderness; 3)

LNT: Choose camp and picnic sites carefully, considering all potential impacts. Offer LNT card, pointing out section: “camp on durable surfaces”.

LE: Written warning is always appropriate; citation if flagrant or uncooperative. Insist that they move immediately. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. If restoration is clearly actively in progress issue a citation. Write an IR if offender is not seen.

**Caching Supplies:** 36 CFR 261.57f; \$150.00 WLD, IRC 40 “Storing equipment, personal property or supplies.”

ART: We need your help... 1) to keep wilderness wild, a place where humans are transient; 2) discuss what wilderness would be like if everyone had caches.

LNT: Offer LNT info that gives background on the Wilderness Act.

LE: Written warning is always appropriate; citation if flagrant, repeated, or uncooperative. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not seen. Remove the cache as soon as possible, assuming you are certain it has been there more than 48 hours. For anything removed, write up an Inventory of Property and store it in a secure location for retrieval -- consult supervisor or LEO for guidance.

**Permanent Structure:** 36 CFR 261.10a; \$200.00 OCU, IRC 40 “Constructing, placing, or maintaining any kind of trail, structure, fence, enclosure or significant surface disturbance without a special use authorization, contract, or approved operating plan when such authorization is required.”

ART: We need your help... 1) to keep wilderness wild, a place where humans are transient and evidence of their passing does not remain; 2) see ART for “damaging vegetation” above if trees were cut; 3)...

LNT: Offer LNT info that gives background on the Wilderness Act.

LE: Written warning is always appropriate; citation if flagrant or uncooperative. Remove the structure as soon as possible, preferably with the willing assistance of the builder. If you want to involve them in heavy work, sign them up on a HCFV volunteer agreement. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not seen.

**Dog Off Leash:** 36 CFR 261.58s, \$200, OCU, IRC 40, “Dog off leash where or when prohibited.”

ART: We need your help... 1) to protect wildlife; 2) to minimize disturbance to other visitors who are not be comfortable around dogs nor appreciate the disturbance to the wildlife & quiet; 3) to minimize conflicts with stock (serious safety hazard) and other dogs; 4) to maximize the chance you’ll have to bury dog waste properly for sanitation; 5) minimizes chance of a lost or injured dog.

LNT: Offer LNT card or info that discusses the importance of wildlife and water resources.

LE: Written warning is generally appropriate; a citation if flagrant, repeated, or uncooperative. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not seen.

### **CFR Violations that have a high probability of receiving a citation:**

These are well-known regulations that protect wilderness from major threats.

**Illegal Group Size:** 36 CFR 261.58a; \$200.00 WLD, IRC 40 “Group size exceeds 12 people or 12 stock.”

ART: We need your help to protect all wilderness resources: 1) -- large groups have the most impacts on other visitors’ sense of solitude (noise & crowding); 2) natural resources (water, wildlife, vegetation...) suffer from large groups; 3) most wilderness campsites accommodate only small groups, thus large groups expand sites by damaging vegetation...

LNT: Offer LNT info, focusing on need to plan ahead to be able to minimize impacts of a large group -- organized groups (scouts, churches, etc.) have special responsibilities to collaborate to minimize their impacts. Provide supervisor’s phone number for future trip planning. Ideal is to take large groups outside wilderness, or at minimum seek already damaged large campsites far away from other wilderness visitors (this requires advanced consultation with FS wilderness staff). Best of all in wilderness is to travel in smaller groups of 2-6 to have a better wilderness experience yourself (more wildlife, nicer campsites easier to find) and minimize impacts. Large groups really need more space and freedom to have fun (games, singing, shouting...), best provided outside wilderness.

LE: Citation highly likely unless extenuating circumstances call for a written warning. If possible, get contact information to provide to your supervisor. Call their attention to the back of their permit and the regulation tri-fold card available at the trailhead. Write an IR if offender is not contacted.

**Fire in a Closed Area:** 36 CFR 261.52a; \$250.00 FIR, IRC 40 “Building, maintaining, attending or using a fire, campfire within areas closed to campfires”

ART: We need your help... 1) closed areas are heavily used, fragile environments, and have little firewood; 2) vegetation near tree line has a very short growing season and soils are fairly sterile, thus they need not to be disturbed by firewood collection; 3) above treeline fires are visible to other users decreasing sense of solitude.

LNT: Offer LNT info and regulations tri-fold. Visiting crowded fragile environments requires a higher commitment to LNT. Call their attention to the back of their permit. If you want to involve them in heavy work removing the fire ring, sign them up on a HCFV volunteer agreement.

LE: Citation highly likely unless extenuating circumstances call for a written warning. Make sure that fire closure is posted at trailheads and along trail. Write an IR if offender is not contacted.

**Outside Designated Sites:** 36 CFR 261.58e; \$100.00 OCU, IRC 40 “Camping outside a designated site” at Green, Moraine, Matthieu, Square, Wasco...Lakes

ART: We need your help... 1) these are very heavily used and, in most cases, fragile areas that need special management to protect them from undue impacts; 2) protecting a sense of solitude requires managed campsites that are secluded from one another; 3) protecting water quality (from poop and sediment) and vegetation requires proper setbacks from water.

LNT: Offer LNT info and regulation tri-fold card.

LE: Citation highly likely unless extenuating circumstances call for a written warning. Make sure that designated site requirement is posted at trailheads and along the trail. Call their attention to the back of their permit. Write an IR if offender is not contacted.

**Motors, Wings & Wheels:** 36 CFR 261.18a, \$300.00 WLD, IRC 40 “Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation.”: Wheelchairs are allowed if they are the mobility device used by the individual for daily mobility and the device is suitable for indoor environments. No electric or combustible motors are allowed.

ART: We need your help... 1) wilderness is meant to be a place apart from the modern world; 2) where only traditional uses and tools are appropriate; 3) xxxx

LNT: Offer LNT card and regulation tri-fold card.

LE: Citation highly likely unless extenuating circumstances call for a written warning. Call their attention to the back of their permit. Bike may NOT be ridden out. If you have reason to believe they might ride it out, you'll need to walk with them -- we can not

confiscate a wheel. Or you might be able to make arrangement by radio to have someone walk in to meet them to make sure they are not riding. Write an IR if offender is not contacted.

**Non Certified Feed** 36 CFR 261.58t, \$500, OCU, IRC 40, “Stock feeds not certified weed free.”

ART: We need your help... 1) weeds are a major threat to native ecosystems because they produce huge numbers of long lasting seeds and out-compete native plants.; 2) plant seeds remain fertile after passing through the digestive system of stock; 3) the labor to remove weeds is huge and thus extremely costly to taxpayers.

LNT: Offer LNT card and weed brochure. Switch animals to weed free feed a day before entering wilderness.

LE: Citation highly likely unless extenuating circumstances call for a written warning. Call their attention to the back of their permit. Write an IR if offender is not seen.

**Abandoned Campfire** 36 CFR 261.5(d) \$500.00 FIR, IRC 40 “Leaving a fire without completely extinguishing it.”

ART: We need your help...: 1) an unexpected wind can quickly fan sparks on to flammable vegetation starting a wildfire; 2) wilderness fires are difficult and very expensive to control ; 3) while lightning-caused fires have a place in wilderness, human-caused fires do not -- while humans are “natural” their numbers are not and wilderness is meant to be a place of refuge for wildlife and natural ecosystems; 4) human-caused wilderness fires can spread to adjacent timber lands and homes.

LNT: Offer LNT card and tri-fold regulation cards. If you want to involve them in extensive work, sign them up on a HCFV volunteer agreement.

LE: Citation highly likely unless extenuating circumstances call for a written warning. Call their attention to the back of their permit. IR if offender is not seen. All unattended fires are to be put out immediately and reported to dispatch.??? If the fire has begun to spread, a fire crew will be sent and you’ll need to await their arrival.

**Note: please take notes on additional CFRs that should be included in this guide next year, such as:** Graffiti and damaging natural features 36 CFR 261.9a? Maintaining a closed or illegal trail 36 CFR 261.10(a)? ; soap/washing in water? user trail cfr 261.10(a)? Also, help us refine the ART, LNT, & LE messages.

**Thanks!**



## **Background material follows below.**

Wilderness Act Excerpts (in “quotation”; otherwise paraphrased; full text can be read at <http://www.wilderness.net/index.cfm?fuse=NWPS&sec=legisact> ):

-- Wilderness is a special place, established by Congress through its 1964 Wilderness Act. By law, it is meant to be different than public lands outside wilderness.

“An area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.”

-- Humans are asked to tread lightly and leave no sign of their passing.

-- Wilderness is managed specifically to protect the full range of wilderness resources: balancing “primitive” recreation with the needs of wildlife, clean water and other ecological, geological, archeological, and scenic resources.

-- Wilderness is managed to protect and preserve its natural conditions and minimize the impacts of humans in every way practical. Thus all visitors must practice Leave No Trace skills.

-- For those who choose to recreate there, wilderness is meant to provide challenge, risk, solitude, and discovery. Thus, we are expected to come prepared, knowing how to use a map and compass (or GPS). Trails are both signed and maintained less than those outside wilderness.

-- Wilderness is for our enjoyment, but must not be degraded, so that it is pristine for future generations.

## **Wilderness: Help Keep it Wild !**

Quotes to share & inspire:

*“It is impossible to overestimate the value of wild mountains and mountain temples as places for people to grow in, re-creation grounds for soul and body.”* -- John Muir

*“Something will have gone out of us as a people if we ever let the remaining wilderness be destroyed.”* -- Wallace Stegner

*“A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.”* -- Aldo Leopold

*“The stark truth is, if we want wild animals, we have to make sacrifices.”* -- Colin Tudge

*“The bad news for our fragile wildland ecosystems is that the human population has grown so dangerously large that the old-time habits of frontiersmen cannot be tolerated. The good news is that wilderness users of this generation have demonstrated a readiness to be educated about right and wrong and have shown a willingness -- nay, an eagerness -- to be good citizens for the wilderness.” -- Ira Spring & Harvey Manning*

*“When I climbed Mount Adams I think I found the answer to the question of why men stake everything to reach these peaks, yet obtain no visible reward for their exhaustion. It came to me when I almost failed on the last steep pitch of Adams... Man’s greatest experience -- the one that brings supreme exultation -- is spiritual, not physical... The same experience comes in a host of other discoveries along the mountain trail...”*  
-- William O. Douglas

*“In wilderness lies the hope of the world... Let children walk with nature, let them see the beautiful blending and com unions of death and life...as taught in woods and meadows, plains, and mountains and streams.” -- John Muir*

*“From the forest and wilderness come the tonics and barks which brace mankind... in Wilderness is the preservation of the world.” -- Henry David Thoreau*

### **FS Policy on Reporting Violations by Non-LEI Personnel** (from Wilderness.net)

The level to which various personnel within the USFS can exercise law enforcement activities is regulated by FSM 5300. All employees have the responsibility to “take appropriate action” and “report” criminal activity. The “appropriateness” of the action an employee can take is based on their levels of training and authority. The authority to write warnings and tickets is managed by the Regional Special Agent In-Charge.

#### **FSM 5304.7 - All Employees**

It is the responsibility of all employees, after completion of appropriate training, to:

1. Comply with and/or initiate appropriate action pursuant to applicable policy contained throughout FSM 5300.
2. Observe and report, in a timely manner, violations of Federal laws and regulations to law enforcement personnel or line officers.

Employees who are not specifically trained and authorized may, and should document violations they observe and should do so using the FS-5300-1(pg. 2), but may not physically issue a Warning Notice or Violation Notice to violators.

Forest Protection Officers are USFS employees who have received specific training and authorization to conduct limited enforcement activities. In specific instances they may issue Warning Notices and Violation Notices.

### **FSM 5304.6 - Forest Protection Officers**

Forest Protection Officers (FPOs) have the authority and responsibility to:

1. Observe and report in a timely manner violation of Federal laws and regulations to Special Agents or Law Enforcement Officers.
2. Attempt to gain voluntary compliance by informing and educating persons who appear to be in violation of rules and regulations.
3. Serve as a Security Specialist Level 2 (SEC2) in incident camps (FSM 5354.03), if qualified.
4. Issue Form FS-5300-4, Violation Notice, subject to the following conditions:
  - a. Complete and submit Form FS-5300-9, Forest Protection Officer Background Check, to the Forest Supervisor when requested (FSM 5303.7, para. 6 and  
  
FSM 5304.33b, para. 1).
  - b. Receive written authorization from the Special Agent in Charge (FSM 5304.41, para. 7a(8)), subject to the limitations set forth in FSM 5304.61.
5. Issue violation notices for any violation of Title 36, Code of Federal Regulations, Parts 242 and 261, subject to the requirements and limitations described in FSM 5304.6 and FSM 5304.61.

Due to training and safety limitations, the authority of Forest Protection Officers is limited.

### **FSM 5304.61 - Limitations on Forest Protection Officers**

Forest Protection Officers authorities and responsibilities are limited by the following:

1. Issue violation notices only during daylight hours, unless there are two or more Forest Protection Officers, law enforcement personnel, or law enforcement personnel from another agency present at the time the notices are issued.
2. Make vehicle stops only when conducting compliance activities involving off highway vehicles (OHV) during actual OHV operation on National Forest System lands.
3. Conduct a want or warrant check only when outside hearing range or vision of a violator.
4. Terminate contact with a violator when firearms or other lethal devices that were not observed during the initial contact are determined to be present.
5. Take no direct enforcement action, but attempt to record vehicle license numbers, vehicle descriptions, and physical descriptions of individuals involved if they

are able to do so safely, and request immediate assistance from law enforcement personnel in the following situations:

- a. Crimes such as homicide, rape, robbery, assault, burglary, and drug related offenses, domestic disputes, or other offenses that have a high probability for violence.
- b. Violations involving the use or abuse of alcohol and/or drugs.
- c. Suspicious individuals or individuals exhibiting strange behavior.
- d. Violations involving large groups, street gangs, outlaw motorcycle groups, satanic cults, or extremist organizations.
- e. Violations of 36 CFR 261.3 (interfering with a Forest officer, volunteer, or human resource program enrollee or giving a false report to a forest officer) and 36 CFR 261.4 (disorderly conduct).
- f. Violations involving verbally abusive or threatening subject(s).

When it comes to Volunteers in the USFS, they may not conduct law enforcement activities. This does not preclude volunteers from making visitor contacts for the purpose of imparting information, including the explanation of regulations, but they may not initiate or threaten legal action beyond what any citizen could do. In many areas volunteers are trained and expected to report violations they observe (as can any citizen) and have been trained to fill out the FS-5300-1(pg. 2) Incident Report form as a means of reporting their observations to FS personnel. This form should never be filled out in the presence of a suspected violator as it would give the appearance of initiating some sort of legal action, thus potentially impacting the safety of the Volunteer.

### **1830.3 – Policy (Volunteers)**

[Paragraph 3] Volunteers may assist in all Forest Service programs or activities **except law enforcement.**

## **AUTHORITY OF THE RESOURCE**

Dr. George N. Wallace developed a non-confrontational technique for approaching people called the "Authority of the Resource Technique" (ART). It really is an art that can be learned by anyone. Most people escape to the wilderness to get away from rules, regulations and "Big Brother". The last thing they want is an authoritative figure (you) quoting regulations ad nauseam.

Nature, in its simplest and raw form, commands her own authority. There is a very complex, yet orderly, flow in a balanced ecosystem. When its laws are violated, there are consequences. There are many people in the

backcountry who are not aware of the principles upon which nature operates; or, who are oblivious to how their actions spoil a wilderness experience for others.

Fortunately, most people are more than willing to change their behavior to protect the wilderness if they are approached in the proper manner. Stopping people on the trail, or barging into their camp, with a code book in one hand and spouting off line and verse of each infraction that they are violating is definitely NOT the way to develop happy campers. That tactic will force them to throw up a defensive wall, and they will only focus on the words, your badge and bureaucratic presence.

What you actually want them to do is to concentrate on the natural authority that surrounds you. By using the principles of the authority of the resource, you can neutralize your officious presence and allow them to relegate to nature the influence necessary to affect the desired change. This technique by no means diminishes the importance of the regulation; instead, it subtly de-emphasizes the regulation by transferring part of the expected change back to the visitor who is allowed to interpret nature's requirements.

When you use this technique properly, and you show genuine interest and concern about what is happening, the visitor will be more receptive to your viewpoint. The fact that you have a volunteer badge and hat also lends credibility that your beliefs are those also held by and are desirable from the perspective of the U. S. Forest Service.

We are called "hosts" for good reason. When we are on the trail, we are the official agents for the USFS; and, as such, we should act as a pleasant and gracious host should. Take pride in the work you do, it is important for the well-being of the wilderness!

### **Here's a few tips on being a good host:**

#### **Before entering a camp:**

- ⌚ Observe
- ⌚ Discuss the situation with your partner
- ⌚ Approach the camp

#### **When entering the camp:**

- ⌚ Be mindful of your approach; don't assume a threatening or aggressive posture
- ⌚ Check your attitude; don't be overbearing, self righteous or appear to be an elitist
- ⌚ Be aware of the impression you leave behind

#### **Ease the obvious tension that naturally occurs by:**

- Smiling to establish harmony

- Be understanding
- Be sympathetic & kind; if children are present, don't embarrass the adult
- Be calm, friendly, and polite; as opposed to abrupt, hurried, or impatient
- Use icebreakers: introduce yourself, talk about the weather, visitor's pet, ask if they have any questions or need any help, etc.
- Remove your sunglasses
- Stand side by side; don't get in the visitor's face
- Talk to visitors at their level: stand or sit with them
- Lead up to the situation instead of jumping on it right away, but get to the point as soon as possible
- Be courteous, but be firm; don't be critical, harsh, or sharp
- Keep the situation on a positive note; don't lose your cool, or respond to abusive language in anger
- Be a good listener
- Be consistent in dealing with all people
- Ask the visitor if you can share information with them on the preservation of our wilderness area
- Volunteer Stewards have no policing authority, so focus on the authority of the resource, not the law
- Have handout material like LNT cards available with talking points
- Offer to help move the camp, put out fire, etc., as appropriate

**Avoid what may appear to be dangerous situations  
– your safety comes first!**

- If conversation gets confrontational, carefully and politely walk away
- Contact a USFS officer. Document incident on your report form
- Answer all questions if possible. If you don't know the answer, say so

This ART document above developed by Selway Bitterroot Wilderness

**AUTHORITY OF THE RESOURCE** (short version from Sawtooth Wilderness)

- Introduce yourself courteously. Ask if they have any questions?
- Describe the situation objectively.
- Explain the implications of their actions.
- Tell them how you feel about it & what can (should) be done to improve the situation.

**Above all, remember to enjoy yourself!  
You are in one of the most  
beautiful Wilderness areas in Oregon.  
You will be more effective if you are relaxed.**

Here is what the 1993 FS Wilderness Ranger Field Guide says about law enforcement and public contact. (Note: revision in progress in 2011)

“3-11 Law Enforcement

Wilderness Rangers follow an expanding or progressive level of law enforcement. Start law enforcement at the lowest level necessary to accomplish the goal of resource and public protection and a preventing recurrence of the infraction. The progression is from attempting to educate the user and verbal warning, to written warning, to citation. Different Forests have different policies regarding citing minors. Find out what your Forest policy is.

If you start a contact by telling a visitor she/he will be issued a citation for a violation but then find out there were unavoidable circumstances that led to the violation, it is much more difficult to drop the tone to a reasonable enforcement level.

Most Forest Service employees do not like issuing citations (Form FS-5300-4). It seems to go against the grain of the idea of a wilderness experience. However, the ranger must keep in mind that failing to take action may cause the wilderness quality to be degraded. Don't compromise by issuing a written warning (Form FS-5300-1) if a citation is truly in order. Check with your supervisor about the level of enforcement authority you have.

Although not all areas require a permit, wilderness visitors are becoming well aware of ways to circumvent the wilderness permit system. They often will enter the wilderness without a permit, knowing that one is required, but they got away with it last time, so... The permit system has been in effect for over 10 years in many areas and compliance is generally between 60 and 90 per cent. There is little excuse for not having a permit if they're required.

Wilderness rangers will not make arrests. If you feel that an arrest is warranted, back off, contact your dispatcher and give details of the incident. This also applies if you find yourself in a potentially threatening situation (riding inadvertently into a poacher's camp). Back off and call for help.

3-11.1 Regulations Related to Wilderness

Refer to Title 36, Part 261, Code of Federal Regulations for a complete list of prohibitions.

Subpart B regulations apply only if a Forest Supervisor or Regional Forester has issued an order for the prohibition. Subpart A regulations are in effect at all times for all Forests. For example, the firing of guns is restricted to emergencies and the taking of legal game in some wilderness areas but there are no restrictions in other Wilderness areas. Don't get subparts confused.

### 3-11.2[INSERT LOCAL REGULATIONS HERE]

Refer to your law enforcement guide and bail schedule for a full account of prohibitions for your area. Bail schedules are set within a judicial district. Magistrates answer to the district judge and each one assigns specific times to hear cases. Check with your Forest law enforcement officer about when and where your magistrate hears cases.

Volunteers may not issue citations, but they may record information for a citation to be processed by a qualified employee. A warning (Form FS-5300-1) may be used for this.

### 3-11.3 Writing Citations

Writing a citation can be a nerve-wracking experience, especially if you are not familiar with the forms and procedures. To issue a citation you must have taken USFS Level II Law Enforcement training. If your supervisor permits it, you can issue a written warning (form FS-5300-1) without this training. During your training, make a copy of a citation and set up a simulated real-life situation, then issue the citation. Keep a copy of a completed example containing the location codes, magistrate's name and address, etc.

If for some reason you do not have a citation or are unsure about the application of a regulation to a situation, it is acceptable, to take down all pertinent personal information (a Notice of Violation can be used) and inform the violator the incident will be discussed with your supervisor. Tell the visitor that if the supervisor feels a citation is warranted, one will be sent to him by mail. This should not be standard practice. It is only for those instances where it is unavoidable or there is some question of applicability.”

### 5-1 Public Contact

One of the most important parts of your job as a Wilderness Ranger is public contact. You are the one who is in the eye of the public. After talking with you, the visitor will form an opinion of you as an individual, of the management of the XYZ Wilderness, and of the Forest Service in general. The visitor will look upon you as one of the ways "their" tax money is spent and you must make visitors feel that it is spent wisely. Remember, you are a public servant.

One of the major purposes of your public contacts will be to educate the visitor on low impact camping and stock use techniques, and inform visitors of wilderness regulations.



Most parties in heavy-use areas should be contacted and a special effort made to visit groups that might leave unnecessary impacts.

Making that initial contact with visitors may seem difficult until you get used to it. The approach you use will vary depending on the situation. As in any other personal communications, there are things you can do to better the chances of a successful exchange. Portray your positive attitude with a smile and a friendly greeting like "How's the fishing?" setting the tone for the entire conversation. Don't be timid, people generally like to talk. As you are talking, make good eye contact (take off your sunglasses) and approach their personal space enough to show your interest. Get off your horse if possible, especially if you are contacting a hiking party. Listen well to what they are saying, and observe the situation as it develops. Always stay alert to potentially dangerous situations and do not push it if you suspect the party may be at all hostile. There are situations where approaching the person will take sensitivity, or where you will want to wait until another time, but these are rare.

As you approach the group and begin talking, observe the situation. Look around camp and see if it is littered or if they are damaging the resource, and think of what message might be the most appropriate for the situation. It might deal with burned-out cans and foil in the firepit, tying stock to trees, or even a compliment about using light-weight stoves for cooking. Be ready to discuss and even demonstrate low impact camping techniques, but do not get yourself into arguments or confrontations. If visitors wish to argue, it is best to back off on the preaching, inform them of regulations if need be, and go on with your duties. When dealing with visitors whose camp is less than desirable, get their name and inform them that you will be back through the area. By doing this, you will give them some incentive to clean up their camp.

Some visitors do not have a strong wilderness ethic, others lack wilderness skills, and some just don't care about wilderness. Your job is not easy when you see someone damaging wilderness values. The manner in which you go about handling this situation is very important. You must be tactful and firm. However, it is encouraging to realize that a Wilderness Ranger contact is often very effective in changing an individual's behavior as it relates to the wilderness.

If you can, it is helpful to gather information about where they are going, what they are doing, how long they will stay, and other bits of information we are interested in. The specific types of information may vary from year to year as we define needs. The types of information to gather will be covered during training session.

Remember what it is you are trying to do by contacting users. You want to educate them, inform them, and collect visitor use information. Never give out false information because you want to appear knowledgeable. A simple "I don't know" works okay. Refer visitors to someone who can answer their questions.

## 5-2 General Information

General information should be available for each Wilderness Ranger and information station, that includes answers to questions such as distances, elevation changes, packers serving the area with names and addresses, etc.

Maps are essential. Review your Forest map and a good topographical map of your unit with someone who knows the area well. They can show you obsolete or incorrect info on your maps. If practical, carry field guides on flora and fauna for your own use as well as that of the visitor. Know wilderness management policies, as you will be asked questions like "Why are wilderness permits required?" "What's so bad about tying my horse to a tree?"

Programs for groups should be developed to educate them before they use wilderness areas. Outfitter guide groups, conservation, school stock-user and other groups all use the wilderness; the better the information they have, the better the chances of their being able to enjoy themselves without impacting the area. A study in the Rocky Mts. indicated that 6th grade students were the best contacts for environmental education as they were the most influenced by rangers' interpretation programs.

### 5-3 Minimum Impact Philosophy

Teaching and using minimum impact (or "no trace camping") techniques may be the single most important practice for the perpetuation of a high-quality wilderness. Minimum impact is described as the users' ability to cause the least amount of change in the environment.

Minimum impact rules may be stated in different ways, but the intent is the same; to minimize impacts on resources. Not all minimum impact rules are regulations. Know which one you can and can't take law enforcement action on. Check your Forest orders to see which rules you can enforce.

All minimum impact techniques are to be applied by wilderness ranges and all Forest Service employees and are applicable even outside wilderness. We need to set the example.

Distances are not easily measured in the wilderness. To a visitor, 100 feet is a guess. It is recommended that along with a distance, the number of paces be included. "100 feet" would be followed by the average number of paces the average adult would take, i.e., "Camp at least 100 feet (45 paces) from water and trail." "Stock must be 'high lined' at least 200 feet (90 paces) from water."

For rationale on all of the minimum impact or "leave no trace" methods in this section, refer to USDA Forest Service Intermountain Research, Station, General Technical Report INT-265 "How Impact Recreational Practices for Wilderness and Backcountry" David Cole, 1989.