

Special Rules for Lower Deschutes River Corridor

Under 43 CFR 8351.2-1, the BLM will enforce the following rules year around within the Lower Deschutes Wild and Scenic River corridor.

On public lands, under 43 CFR 8351.2-1, any person who violates any of these special rules may be tried before a United States Magistrate and fined up to \$500 or imprisoned for up to six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Developed area is a site or area that contains structures or capital improvements primarily used by the public for recreational purposes. This may include such features as: delineated spaces for parking, camping, or boat launching; sanitary facilities; potable water; grills or fire rings; tables; or controlled access.

Group means any number of persons affiliated together with a common goal to recreate with each other in activities such as rafting, eating, camping, or swimming.

Refuse includes but is not limited to wastewater, sewage, litter, trash, garbage, scraps, remnants of water balloons or clay pigeons, or other useless or worthless parts of things.

River corridor means those public lands located within the Final National Wild and Scenic River boundary as described in the Lower Deschutes River Management Plan and Environmental Impact Statement, Volume 1, January 1993.

a. Camping

Camping means erecting a tent or shelter of natural or synthetic material; preparing a sleeping bag or other bedding material for use; parking a motor vehicle or, trailer; or mooring a boat for apparent overnight occupancy.

- Camping* outside of a *designated campsite* in river segments 1,2, or 3. **Designated campsite** means a BLM–designated campsite marked with a visible number mounted on a post or placard.
- Camping* for a total period of more than 14 nights during any 28-night period. The 28-night period will begin the first night the site is occupied. The 14-night limit may be reached either through a number of separate visits or through a period of continuous occupation. Once the 14-night limit is reached in any camping area, the person(s) must move a distance of not less than 50 linear miles to continue camping on public lands.
- Camping* in one campsite by non-motorized boat longer than four consecutive nights.
- At the end of a four-night camping stay as described in (a)(3) above, failing to remove all camping equipment and personal property and not relocating your camp within 1/4 mile of the same site for a period of at least 14 nights.
- Camping* in one campsite by motorized boat longer than nine consecutive nights between May 15 and October 15.
- Between May 15 and October 15, whenever motorized boaters vacate a campsite and it will be *unoccupied*, failing to remove all camping and personal property from the area and not relocating beyond 1/4 mile of the same site for a period of at least 14 days. **Unoccupied** means the absence of human presence between 10 p.m. and one hour before legal sunrise.
- Camping* on any river island.
- Camping* in any area posted as closed to camping.
- Being present in any designated day use area between 10 p.m. and one hour before sunrise.

- Possessing or leaving refuse, debris, or litter in an exposed, unsightly, or unsanitary condition.
- Leaving camping equipment, personal property, site alterations, or refuse after departing any campsite or in any vacant campsite.
- Failing to pay camping fees within 30 minutes of occupying a fee campsite.
- Installing permanent camping facilities.
- Failing to meet the minimum or exceeding the maximum number of persons and/or vehicles allowed for a campsite.
- Paying for or placing camping equipment or other personal property in/at/hear a campsite, which is not to be occupied by that same person, for the purpose of holding or reserving the campsite for later occupation by another person(s).
- Moving any table, stove, barrier, litter receptacle, or other campground equipment.
- Digging or leveling the ground at any campsite.
- Failing to contain all group and personal equipment within a campsite.

b. Fires

- Between June 1 and October 15:
 - Building, igniting, maintaining, using, tending, or being within 20 feet of a campfire, charcoal fire, or any other type of open flame. *Exception:* You may use commercially manufactured metal camp stoves and shielded lanterns when fueled with bottled propane or liquid fuel and operated in a responsible manner.
 - Smoking except in non-public buildings, closed vehicles, while in boats on the water, or while standing in the water.
- Between October 16 and May 31:
 - Building, igniting, maintaining, using, tending, or being within 20 feet of a campfire unless it is contained in a metal fire pan or similar metal container with sides measuring at least 2 inches in height and prevents ashes or burning material from spilling onto the ground and is elevated above the ground.
 - Exception:* *BLM*-provided metal campfire rings may be used in lieu of a fire pan.
 - Leaving a fire unattended or without completely extinguishing it.
 - Burning or attempting to burn non-combustible items such as tin, aluminum, or glass.
 - Discarding lighted or smoldering material, or lighting, tending, or using a fire, stove or lantern in such a manner that threatens, causes damage to, or results in the burning of property or resources, or creates a public safety hazard.
 - Using or possessing *fireworks*. **Fireworks** means any combustible or explosive composition or substance or any combination of any such composition or substances or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, wheels, colored fires, fountains, mines, serpents, or any other article of like construction or any article containing any explosive or flammable compound or any tablets or other device containing any explosive substance or flammable compound.
 - Failing to observe any fire prevention order or regulation issued by the Bureau of Land Management.
 - Gathering or burning any living, dead, or down vegetation within the river corridor.

c. Sanitation and Refuse

Approved portable toilet means any non-biodegradable, rigid, durable, container designed to receive and hold human waste, in any container position, without leaking, and equipped with a dumping system that allows the container to be emptied into a standard receiving or dump system designed for that purpose, such as a SCAT machine or recreational vehicle dump station, in a sanitary manner, without spills, seepage, or human exposure to human waste.

Remain overnight means human presence in the Lower Deschutes River Corridor on a boat-in basis for any period of time from one hour after legal sunset to one hour before legal sunrise.

Developed toilet facility is a vault type toilet provided by the Bureau of Land Management or Oregon State Parks and Recreation Commission.

- For members of overnight boating groups that remain, intend to remain, or display intent to remain overnight within the *river corridor*, failing to carry an approved portable toilet. *Exception:* This requirement shall not apply to overnight kayak trips that are entirely self-contained (not supported by a gear boat) or overnight hikers or bikers.
- When boating within the *river corridor* on an overnight basis, failing to use either an *approved portable toilet* or *developed toilet facility* for all solid human waste. *Exception:* This requirement shall not apply to overnight kayak trips that are entirely self-contained, or overnight hikers or bikers.
- For all persons who remain, intend to remain, or display intent to remain overnight, failing to set up an *approved portable toilet*, ready for use, as soon as practical upon landing at the campsite to be occupied.
- Leaving, depositing, or scattering human waste, toilet paper, or items used as toilet paper anywhere except in an *approved portable toilet* or *developed toilet facility*.
- Where a *developed toilet facility* is not provided **and** an *approved portable toilet* is not required **and** the situation makes it impractical to use an *approved portable toilet*, failing to bury all human waste and toilet paper, or material used as toilet paper, at least 6 inches below the surface of the ground in natural soil and at least 50 feet from the edge of the river or any other water source.
- Burying or abandoning or burning refuse.
- Failing to use *developed toilet facilities* provided at public recreation sites.
- Emptying an *approved portable toilet* into a *developed toilet facility*, or any other facility not developed and identified especially for that purpose.
- Disposing of refuse in other than refuse receptacles provided for that purpose.
- Depositing non-biodegradable refuse in the vault of a developed toilet facility.
- Depositing household, landscaping, commercial, or industrial refuse brought in as such from non-government property into government-provided refuse receptacles.
- Allowing any refuse to drain from any vehicle or structure constructed for movement on *highways* except through a sealed connection and into a suitable container which prevents human contact with the contents.
- Washing dishes or using soap in the river or any tributaries.

d. Firearms/Weapons

Firearm means a weapon, by whatever name known, which is designed to expel a projectile by the action of powder and is readily capable of use as a weapon.

- Discharging a firearm from the 3rd Saturday in May through August 31, except during authorized hunting seasons.
- Discharging a firearm at any time within a developed area, or within 150 yards of a residence, building, developed recreation site, or occupied area.
- Discharging a firearm at any time into or from within any area posted no shooting or safety zone.
- Carrying, possessing, or discharging a firearm or other weapon in violation of Oregon State law.

e. Disorderly Conduct

Obscene means objectionable or offensive to accepted standards of decency.

Excessive noise is any noise which is unreasonable, considering the location, time of day, impact on river users, or other factors which would govern the conduct of a reasonably prudent person under the circumstances.

- With the intent to cause public alarm, nuisance, jeopardy, or violence, or knowingly or recklessly committing a risk thereof, committing any of the following acts:
 - Engaging in fighting, threatening, or violent behavior, or
 - Using language, an utterance or gesture, or engaging in a display or act that is lewd or obscene, physically threatening, or menacing, or done in a manner that is likely to inflict injury or incite an immediate breach of the peace, or
 - Making *excessive noise*, or
 - Creating or maintaining a hazardous or physically offensive condition that causes personal or public alarm, nuisance, jeopardy or violence by possessing, using, or operating any water projectile device, including but not limited to hydro sticks, or water balloons/water balloon launchers, spud guns, air rifles, or
 - Using motorized/mechanized water cannons, or
 - Creating *excessive noise* by voice, generators, amplified music, or any other means from 10 p.m. to 7 a.m., or
 - Rolling any stone or other object that endangers or threatens the public, property, or wildlife.

f. Vehicles

Highway means every public way, road, street, thoroughfare and place, including bridges, viaducts, and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

- Parking a vehicle in such a manner as to impede or obstruct the normal flow of traffic, or create a hazardous condition.
- Failing to obey posted parking closures or restrictions.
- Exceeding posted speed limits.
- Traveling or parking off of designated roads, parking areas or launch sites.
- Operating any motor vehicle in violation of any Oregon State law or regulation.
- Operating any motor vehicle without a valid state driver’s license and current vehicle registration.
- Operating a vehicle with a seating capacity greater than 24 passengers (each seat to hold no more than two persons) and one driver and/or a total vehicle length greater than 28 feet.
- Riding or allowing anyone to ride in or on top of a *boat* being carried by a motor vehicle. *Exceptions:* 1) A person(s) may ride in a single boat that is secured to the bed of a pickup truck by ropes or straps *and* the boat is contained in the pickup side rails; 2) A person(s) may also ride within a single boat which is likewise secured to the bed of a flatbed motor vehicle.
- Operating any vehicle or combination of vehicles or load thereon which is wider than 8 feet 6 inches except as under a variance permit or other exemption as authorized by state law.
- Riding or allowing anyone to ride on the exterior part of a motor vehicle.
- Operating a vehicle or combination of vehicles when the overall height, including the load, is greater than 14 feet.
- Operating a vehicle with a load which is unsecured, unsafe, or otherwise presents a hazard to the public.

g. Other Acts

- Defacing, disturbing, removing, or destroying any personal property, or structures, or any scientific, cultural, archeological, or historic resource, or natural object or thing.
- Defacing, removing, or destroying plants or their parts, soil, rocks or minerals.
- Abandoning property.
- Leaving property unattended for longer than 24 hours.
- Destroying, injuring, defacing, or damaging US Government property.
- Failing to exhibit required permits or identification when requested by a BLM authorized officer or representative.
- Selling, offering for sale, or promoting any services or merchandise or conducting any kind of business enterprise on public land or waters without a BLM permit.

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8. Failing to possess a BLM Special Recreation Permit for commercial use as defined in 43 CFR 8372.0-5.
9. Failing to restrain an animal on a leash not longer than 6 feet and secured to a fixed object or a person, or otherwise physically restricted at all times *except* when hunting.
10. Allowing a pet to make noise that is unreasonable considering location, time of day or night, impact on public land users, and other relevant factors or that frightens wildlife by barking, howling, or making other noise.
11. Failing to remove pet waste.
12. Leaving an animal unattended in an unsafe location or situation.
13. Operating an aircraft in violation of FAA rules and regulations.
14. Landing an aircraft without authorization when required.
15. Taking, attempting to take, or possessing any fish or wildlife in violation of any Oregon State law or regulation.
16. Participating in an unauthorized event or activity.
17. Allowing livestock to graze in any area or at any time when grazing is prohibited.
18. Violation by commercial permittee or their employee, of any stipulations outlined in the *Guidelines for Commercial Use of Rivers in the Prineville District*.
19. Allowing a group to exceed the *group size limit* of 16 people in river segments 1, 3, and 4, and 24 people in segment 2. **Group size limit** means the maximum number of persons a **group** may have while together within the *river corridor*, regardless of the number of persons covered by each boating pass possessed by members of the group. This limit is intended to avoid resource damage and social conflicts caused by large groups concentrating in small areas.

h. Boating

Boat means every watercraft or device used as a means of transport on the water.
Vessel means every watercraft or device used as a means of transport on the water *except* single inner tubes, air mattresses, and water toys.
Motorboat means any boat propelled in whole or in part by machinery, including boats temporarily equipped with detachable motors.

1. Failing to possess a Deschutes River boater's pass as required by Oregon State Parks and Recreation Commission.
2. Operating any motor-driven boat in any area posted or designated as closed to such use.
3. Operating any *boat* or *vessel* in such manner as to create a hazardous or unsafe condition.
4. Operating any personal watercraft, including but not limited to jet skis, wet bikes, wave runners, and wet jets from Heritage Landing boat ramp upstream.
5. Operating a motor-driven boat with more than seven people, including the operator, on board.
6. Making more than two round trips per day in a motor-driven boat.
7. While operating a *boat*, stopping along or tying up to the riverbank, except in an emergency, within the Rattlesnake-Moody Rapids pass through zone. This zone extends from the upstream end of Rattlesnake Rapids at about river mile 2.5 to the no wake zone at the downstream end of Moody Rapids at about river mile .5.
8. Swimming or floating with or without a floatation device and/or using inner tubes, float tubes, boogie boards, surf boards, and other similar water toys used for the transport of persons or property in the Deschutes River channel in Moody Rapids on those days when power boats are allowed, except as provided below. This prohibition is in effect from the upstream end of Moody Rapids down river to the downstream side of Moody Rapids channel marker from legal sunrise to legal sunset when power boats are allowed by the Oregon State Marine Board. Anglers using float tubes may cross the Moody Rapids channel during these times provided they do so in the most direct route possible. Float tube anglers crossing the Moody Rapids channel shall look out for and give right of way to any motorized boat, which is in Moody Rapids channel or about to enter the rapids from

- downstream or upstream, or in any event when motorboats are approaching close enough to create a hazard.
9. Exceeding Oregon State noise standards for motorboats.
10. Violating any Oregon State Marine Board Regulation.
11. Failing to complete boater registration when requested to do so by agency personnel.
12. Launching or taking out watercraft in an area designated as closed to this activity.
13. Securing any person(s), inner tube, float tube, boogie board, surf board, or other similar water toys used for transport of persons or property, or in or on the waters of the Deschutes River, to the river bank or to any tree, fixed object, or anchoring device on lands adjacent to the river bank or to any such object or device within the boundaries of the river and river banks of the Deschutes River by any cable, rope, line, bungee cord, or other means except to secure boats to the river bank as a normal and recognized necessity. No person shall hold on to any such line or to any device secured to such line in order to ride or be transported into any channel of the Deschutes River.
14. Securing any cable, rope, line, or bungee cord or any device across the river except as necessary for rescue and/or salvage operations and other necessary uses upon consent of the managing agencies of the Confederated Tribes of the Warm Springs, Oregon Parks and Recreation Department, Bureau of Land Management, and Oregon State Police. *Exception* the cables presently in place across the Deschutes River at Dant, the upstream area (approximately river mile 52) of the City of Maupin, and the flow station cable car crossing upstream from Deschutes State Park are exempt from this rule.

i. Alcoholic Beverages and Controlled Substances

1. Violating any *Prohibitions Relating to Liquor* as found in the Oregon Criminal Code, Title 37, Chapter 471.
2. Committing any *Open Container Violation* as found in the Oregon Vehicle Code 811.170.
3. No person under the influence of intoxicating liquor or controlled substance shall operate, propel, or be in actual physical control of a *boat* upon the water. Not less than .08 percent by weight of alcohol in a person's blood constitutes being under the influence of intoxicating liquor.
4. No owner of a *boat* or person in charge or in control of a *boat* shall authorize or knowingly permit a *boat* to be propelled or operated upon the water by any person who is under the influence of an intoxicating liquor or a controlled substance.
5. Operating or being in actual physical control of a motor vehicle is prohibited while the operator:
 - i. Is under the influence of alcohol, or a drug, or drugs, or inhalant, or any combination thereof, to a degree that renders the operator incapable of safe operation; or
 - ii. Has .08 percent or more by weight of alcohol in the blood of the operator.
6. The provisions in paragraph (i)(3), (i)(5)(i) and (i)(5)(ii) above also apply to an operator who is or has been legally entitled to use alcohol or another drug.
7. Cultivating, manufacturing, delivering, or trafficking a controlled substance, as defined in 21 U.S.C. 802(6) and 812 and 21 CFR 1308.11- 1308.15, except when distribution is made by a licensed practitioner in accordance with applicable law. For the purposes of this paragraph, delivery means the actual, attempted or constructive transfer of a controlled substance whether or not there exists an agency relationship.
8. Possessing a controlled substance, as defined in 21 U.S.C. 802(6) and 812 and 21 CFR 1308.11-1308.15, unless such substance was obtained, either directly or pursuant to a valid prescription of order or as otherwise allowed by Federal or State law, by the possessor from a

j. Interfering with Agency Functions

1. Threatening, resisting, intimidating, or intentionally interfering with a government employee, volunteer, or agent engaged in an official duty, or on account of the performance of an official duty.
2. Violating the lawful order of a government employee or agent authorized to maintain order and control public access and movement during fire fighting operations, search and rescue operations, wildlife management operations involving animals which pose a threat to public safety, law enforcement actions, and emergency operations that involve a threat to public safety or public land resources, or other activities where the control of public movement and activities is necessary to maintain order and public safety.
3. Knowingly giving a false or fictitious report or other false information:
 - i. To an authorized person investigating an accident or violation of law or regulation, or
 - ii. on application for a permit.
4. Knowingly giving a false report for the purposes of misleading a government employee or agent in the conduct of official duties, or making a false report that causes a response by the United States to a fictitious event.

For Additional Information about the Lower Deschutes River Contact:

Bureau of Land Management
Prineville District Office
 3050 NE 3rd Street
 Prineville, OR 97754
 (541) 416-6700

To Report an Incident, Call:

- BLM Fire Dispatch (541) 416-6800
- Jefferson County Sheriff (541) 475-2201
- Wasco County Sheriff (541) 296-5454
- Sherman County Sheriff (541) 565-3622
- Oregon State Police 1-800-333-7283

