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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**DOF 2-2020**  
CHAPTER 629  
DEPARTMENT OF FORESTRY

**FILED**

11/18/2020 3:34 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: State Forest public access restrictions.

EFFECTIVE DATE: 11/20/2020 THROUGH 05/18/2021

AGENCY APPROVED DATE: 11/18/2020

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Filed By:  
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NEED FOR THE RULE(S):

On September 6th, 2020 a weather event resulting in high temperatures, low humidity, and easterly winds created an extreme fire situation that led to rapid expansion of the Beachie Creek Fire, consuming 130,000 acres in one night. The fire grew to 190,000 acres by September 17th, and ultimately burned 193,573 acres. Of this total, 24,284 acres are in the Santiam State Forest, which is more than half of the total acreage of the Santiam State Forest. The fire has resulted in hazardous conditions across the forest, with recreational use of the forest likely to result in further adverse resource impacts to forest lands. This rule will allow the Department to implement closures of the Santiam State Forest lands that are likely to be adversely impacted by public use.

JUSTIFICATION OF TEMPORARY FILING:

(1) There is appreciable and imminent risk to both the health and safety of the public and to forest resources due to the catastrophic wildfire. Forest roads, culverts, trails, and recreation infrastructure have been damaged throughout the area. Trees killed or damaged by the fire could fall unpredictably. Hillsides can be unstable after the trees and vegetation that once stabilized them are killed, and rain can result in landslides months later. Burned-out tree roots can lead to collapsing soils. Implementing an immediate forest-wide closure is necessary for the protection, conservation, and management of forest resources of the Santiam State Forest. (2) Failure to act promptly will result in serious prejudice to the general public interest and to the recreational users of the Santiam State Forest.

(3) Failing to act promptly would increase resource damage, leading to more costly and extensive repair and restoration needs, and ultimately a longer closure. (4) Immediate closure is needed to eliminate or reduce impacts to forest resources while the Department repairs forest infrastructure and restores the forest.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Santiam State Forest webpage, <https://www.oregon.gov/odf/recreation/Pages/santiam-state-forest.aspx>.

ADOPT: 629-025-0091

RULE TITLE: Closures and Access Restrictions

RULE SUMMARY: Establishes the State Forester may close all or portions of State Forest lands to public access and use. Establishes the notification requirements, enforcement, and penalties for violations for State Forest closures. Delegates authority to close or limit use of State Forest lands temporarily to Department employees.

RULE TEXT:

- (1) The State Forester may establish portions of State Forest land that are closed or limited to specific uses or activities by the public. These may differ from State Forest land to State Forest land and from time-to-time, but shall be indicated on the Department website, and on posted signs at the State Forest land that is closed.
- (2) Closures will be identified by signs at major points of entry to the restricted portions of the forest and notices placed on the Department's website.
- (3) A person may not enter or occupy State Forest land that has been ordered closed by the State Forester.
  - (a) A person engaging in work under contract with the Department of Forestry may be exempt with written permission from the Forester or their designee.
  - (b) This restriction does not apply to state employees or law enforcement officers in the performance of their official duties.
- (4) A Department employee may seek compliance from the public with a State Forest closure, and may order a person that enters closed lands to leave State Forest land.
- (5) A peace officer may seek compliance from the public with a State Forest closure, and may order a person that enters closed lands to leave State Forest land.
- (6) The State Forester may designate to Department employees the authority to protect forest resources under section (1). This authority includes actions that may:
  - (a) Permit or limit specific activities or uses in designated portions of State Forest land;
  - (b) Designate a location within a State Forest for a single use to avoid conflicts between users;
  - (c) Restrict access to or close an entire State Forest land;
  - (d) Restrict access to or close a portion of State Forest land; or
  - (e) Exclude a person from State Forest land.
- (7) A person excluded from State Forest land may contest the exclusion notice by filing a written appeal within seven days of the exclusion date. The person excluded must submit the appeal to the District Forester responsible for the State Forest land where the notice of exclusion was issued.
- (8) The following situations are criminal trespass in the second degree, a Class C misdemeanor, per ORS 164.245:
  - (a) A person ordered to leave State Forest land that remains present;
  - (b) A person excluded from State Forest land that enters or remains present;
  - (c) A person enters a closed or restricted portion of State Forest land; and
  - (d) A person engages in an activity that has been specifically prohibited or restricted on State Forest land or a portion of State Forest land.

STATUTORY/OTHER AUTHORITY: ORS 530.050

STATUTES/OTHER IMPLEMENTED: ORS 530.050