

## Wilderness in the Modern World Solitude—perhaps, Privacy—don't be too sure

The river was high and we had made our days' miles quickly and effortlessly. Camp was up, lunch was done and the four of us were lounging in the sun when we noticed a boat jockeying for a landing just above our camp.

Without warning, asking permission, or a word of acknowledgement two Oregon State Police troopers marched into our camp—in full uniform, with the incongruous exception of pink feet peeking through sandals—packing side arms and nightsticks. No doubt about it, it was an intimidating show of force! Fully compliant with all state regulations, I was stunned at this intrusion and that must have shown in my face. The first words I heard were, "what's that look for?" Clearly, this was not setting up to be a friendly interaction.

Like a stereotypical southern cop in *Easy Rider*, "bad cop" never took off his sunglasses and adopted the classic "hand on hips" posture. Since he asked, I explained that I thought compliance and education efforts might be better accomplished at the launch sites and through the existing permit process rather than by contacting users in their campsites and destroying any sense of "wild" the visitor might have been able to build into their river experience. I offered that in my view, prelaunch education would be better received and would greatly increase the quality and number of user contacts. The push back was hard and swift. My first thought—clearly "bad cop" was an ideal candidate for de-escalation training.

While the designated "good cop", without the intimidating sunglasses, chatted with the rest of the party about water levels, rapids and campsites "bad cop" and I engaged. Life jackets, whistles; OK. Invasive species permits, fishing license; no problem. River permits? Isn't that more of a BLM/FS thing? Fire pans, portable toilets? Aren't those federal regulations—certainly not laws or regulations defined by the state of Oregon?

Curious, but knowing it was probably not a good idea, I asked "bad cop" if he would explain the authority that allowed an Oregon state employee to issue citations for violations on federal lands. As expected, my question, most certainly seen as questioning his authority, was not well received. The explanation was terse; I was told that the Oregon State Police were working for Oregon State Parks. What? Oregon State Parks, on the Grande Ronde, we were in the Wallowa Whitman National Forest on a federally designated Wild River? How did that make any sense? I didn't ask. *(Actually it did make sense and could have been explained by a better informed more tolerant officer; see sidebar below.)*

They left—without actually seeing our fire pan though they did check our invasive species and river permits. They saw our toilet system but didn't care to confirm that anyone had been actually using it. Not surprising. But, on the other hand, what's the point of all the enforcement film-flam if an officer can be placated with an empty rocket box?

Though we were in violation of no law, statute, or rule we received a visit, from a State Police river patrol team focused solely on searching for violations—a visit delivered with a strong dose of intimidation. It felt no different than a traffic stop except, with a traffic stop, you generally know that you have probably broken a law. Wow! What an unpleasant change from the freedoms traditionally associated with backcountry travel. I don't get it! Where are we going and why? What are the goals being pursued and at what cost?

This incident continues to bother me and I've spent a lot of time trying to figure out what it means to wilderness freedom and wilderness management. Frankly, I find the precedent being established here of huge concern. When did it become acceptable for police officers to enter a person's a campsite without invitation when there is no objective enforcement reason to do so?

Does the public have any right to expect privacy when camping on public lands? Absent any visible violation, can a state police officer or a federal employee enter our campsite without permission? How about your tent? Your recreational vehicle? Exactly, specifically, what boundaries can a user expect state and/or federal officers to recognize?

As an Oregon resident I have so many questions. What's the cost of such State Police river patrols? How much does the State spend on these patrols each year? What is the source of funding for these float patrols? How are the benefits of such patrols calculated? And why are very very expensive Oregon State Police officers patrolling federal lands and doing the same job as seasonal Forest Service and Bureau of Land Management River Rangers?

On the Federal side one huge question needs to be clearly and definitively addressed: what degree of privacy can users legitimately expect while camping in designated wilderness areas and other undeveloped public lands?

I am asking appropriate federal and state agencies for help answering these questions. As I find answers information will be shared with all river runners on the Wilderness Report website.

## **The Facts**

### **History**

The people of Oregon established the Oregon Scenic Waterways Program in 1970, recognizing that wise individual and public use of these special rivers and adjacent lands is necessary. It strives to achieve a balance between protecting the rivers' natural resources and the equally valuable lives and plans of the people who live along them. (excerpted from OPRD Scenic Waterways Program website)

### **Statutory Authority**

#### **Oregon Revised Statutes 2007**

390.815 Policy; establishment of system. The people of Oregon find that many of the freeflowing rivers of Oregon and Waldo Lake and lands adjacent to such lake and rivers possess outstanding scenic, fish, wildlife, geological, botanical, historic, archaeologic, and outdoor recreation values of present and future benefit to the public. The people of Oregon also find that the policy of permitting construction of dams and other impoundment facilities at appropriate sections of the rivers of Oregon and Waldo Lake needs to be complemented by a policy that would preserve Waldo Lake and selected rivers or sections thereof in a free-flowing condition and would protect and preserve the natural setting and water quality of the lake and such rivers and fulfill other conservation purposes. It is therefore the policy of Oregon to preserve for the benefit of the public Waldo Lake and selected parts of the state's free-flowing rivers. For these purposes there is established an Oregon Scenic Waterways System to be composed of areas designated in accordance with ORS 390.805 to 390.925 and any subsequent Acts. [1971 c.1 §1; 1983 c.334 §2]

#### **736-040-0020**

##### **Responsibility and Authority of the Oregon Parks and Recreation Commission**

The Commission shall administer the Act in such a manner as to protect and enhance the values which caused a scenic waterway to be included in the system. Primary emphasis shall be given to protecting the scenic beauty, fish and wildlife, scientific and recreation features, based on the special attributes of each area.

### **Note**

Oregon's Scenic Waterway Program provides protection for waterways also designated under the Federal Wild and Scenic River Act with management plans developed, managed and enforced by federal agencies like the Forest Service and the Bureau of Land Management. As I experienced, this dual management can create user confusion.