

## UNLAWFUL TRANSPORT

**164.813 Unlawful cutting and transport of special forest products.** (1) It is unlawful for any person to cut or split wood into special forest products or to harvest or remove special forest products from a place unless the person has in possession a written permit to do so from the owner of the land from which the wood is cut or the products taken. The written permit required under this subsection must set forth:

- (a) The date of the permit;
- (b) The name, address, telephone number and signature of the person granting the permit;
- (c) The name, address and telephone number of the person to whom the permit is granted;
- (d) The amount and kind of wood, by species, to be cut or split or the amount and kind of special forest products to be taken;
- (e) A description of the premises from which the wood is to be cut or the products taken. The description may be by legal description, tax account number or other description clearly identifying the premises; and
- (f) The date of expiration of the permit.

(2) It is unlawful for a person to transport special forest products without possessing a permit as described in subsection (1) of this section or a document of sale showing title thereto. A document of sale must be signed by the landowner, seller or donor, and must set forth:

- (a) The date of the document;
- (b) The name, address and telephone number of the seller or donor of the products;
- (c) The name, address and telephone number of the purchaser or donee;
- (d) The amount and kind of products sold, by species; and
- (e) A description of the premises from which the special forest products were taken. The description may be by legal description, tax account number or other description clearly identifying the premises, or by street address in the event of purchase from a woodlot or fuel dealer or dealer in other special forest products.

(3) Any person who engages in the purchase or other acquisition of special forest products for resale, other than special forest products acquired from property owned by that person, shall keep records of such purchases or acquisitions for a period of one year from the date of purchase or acquisition. The records shall be made available to any peace officer upon request and shall reveal:

- (a) The date of purchase or acquisition;
- (b) The name, address, telephone number and signature of the person from whom the special forest products were obtained and the date they were obtained;
- (c) The license number of any vehicle used to deliver the special forest products to the dealer for resale;
- (d) The quantity of special forest products purchased or acquired; and
- (e) The name and address of the landowner from whose land the special forest product was harvested.

(4) Any permit for the removal of special forest products from public lands issued by the United States Forest Service or the Bureau of Land Management is sufficient for the purposes of subsections (1) and (2) of this section, regardless of whether the permit conforms to the specific requirements as to content set forth in subsections (1) and (2) of this section.

(5) Subsections (1) and (2) of this section do not apply to:

- (a) The cutting or transportation of wild edible mushrooms occupying a volume at harvest of one gallon or less;
- (b) The cutting or transportation of special forest products, as defined in subsection (6)(b)(D), (F) and (H) of this section, having a total volume of less than 27 cubic feet;
- (c) The cutting or transportation of special forest products, other than those specified in paragraphs (a) and (b) of this subsection, having a total volume of less than 12 cubic feet;
- (d) The cutting or transportation of coniferous trees that are subject to the provisions of ORS

164.825;

(e) The cutting or transportation of special forest products by the owner of the land from which they were taken or by the owner's agent; or

(f) The transportation of special forest products by a common carrier or contract carrier.

(6) As used in this section:

(a) "Harvest" means to separate by cutting, prying, picking, peeling, breaking, pulling, splitting or otherwise removing a special forest product from:

(A) Its physical connection or point of contact with the ground or vegetation upon which it was growing; or

(B) The place or position where it lay.

(b) "Special forest products" means:

(A) Bear grass (*Xerophyllum tenas*), boughs, branches, ferns and other forest plant parts used in floral arrangements and decorations;

(B) The bark and needles of the Pacific yew (*Taxus brevifolia*);

(C) Cascara bark from the cascara tree (*Rhamnus purshiana*);

(D) Cedar salvage including cedar chunks, slabs, stumps and logs that are more than one cubic foot in volume;

(E) Cut or picked evergreen foliage and shrubs including, but not limited to, ferns, huckleberry, Oregon grape, rhododendron and salal;

(F) Firewood;

(G) Native ornamental trees and shrubs, including trees and shrubs that are not nursery grown and that have been removed from the ground with the roots intact;

(H) Round or split posts, poles, pickets, stakes or rails, shakeboards, shake-bolts, shingle bolts or other round or split products of any forest tree species; and

(I) Wild edible mushrooms that have not been cultivated or propagated by artificial means.

(c) "Special forest products" does not mean mill ends, driftwood and artificially fabricated fireplace logs.

(d) "Transportation" means the physical conveyance of special forest products away from a harvest site and includes, but is not limited to, transportation in or on:

(A) A motor vehicle designed for use on improved roadways;

(B) A boat, barge, raft or other water vessel; or

(C) An airplane, helicopter, balloon or other aircraft.

(7) Subsection (3) of this section does not apply to a person who purchases cedar products that are special forest products and who complies with the record keeping requirements of ORS 165.109.

(8) Violation of any provision of subsections (1) to (3) of this section is a Class B misdemeanor.

[1981 c.645 §2; 1989 c.368 §1; 1993 c.167 §1; 1995 c.75 §1]

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PROCEDURES SERIES HANDBOOK

**Special Provisions for Mushrooms**  
Issued Under and Made Part of Contract/Permit Number

**REQUIRED PROVISIONS**

1. Purchaser/Permittee agrees to hold the government harmless from any claim for damage or loss of property, personal injury, or death.
2. The Purchaser/Permittee shall suspend all operations upon notification by the authorized officer of any of the following:
  - a. Discovery of an object or site of cultural value (over 100 years old) on the contract/permit area.
  - b. Discovery of threatened or endangered plants or animals protected under the Endangered Species Act of 1973.
  - c. Discovery of a Federal candidate, sensitive, or State listed species protected under BLM manual 6840.
3. Collection of special forest products is permitted only on BLM-administered land, in areas designated by the contract/permit and map.
4. Purchaser/Permittee shall clean up all trash and litter generated by their activities. **WARNING!** Existing trash/debris may contain hazardous materials. Please notify your local BLM office.
5. Drive only on existing roads and park so as not to block traffic. Comply with all road closures. **DO NOT** drive on unsurfaced roads during periods of wet weather.
6. Comply with all State laws concerning fire prevention requirements and fire closures.
7. The Purchaser/Permittee of the contract/permit must be present during the collection and transport of the product and must have the original contract/permit in immediate possession. Copies of the contract/permit are not valid.
8. When a Purchaser/Permittee moves between collection sites or leaves a contract/permit area, forest product removal receipts (i.e., load tickets) must be completed, securely attached to the load, and clearly visible from the rear of the vehicle.
9. Failure to abide by the terms of this contract, and/or attachments made part of, may cause contract cancellation and result in a fine and/or the refusal of the issuance of future contracts for up to three years in accordance with the Governmentwide Debarment and Suspension Regulations found in 43 CFR 12.100 to 12.510. Failure to abide by the terms of this contract may also result in trespass damages.
10. Do not disturb the soil, woody debris, surrounding vegetation, or the mushroom's mycelial mat.
11. Do not rake or use a leafblower in collecting mushrooms.
12. Mushrooms will be harvested using hand tools only.

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OPTIONAL PROVISIONS (initial if used)

- ( ) Every person involved in the harvesting, or assisting in a work party in any other way, must obtain (or be authorized under) a contract/permit.
- ( ) Operations are to occur only during (weekends) (week days) (between the hours of \_\_\_\_\_ and \_\_\_\_\_) (during daylight hours).
- ( ) No digging Matsutake (a species of mushroom).
- ( ) Leave \_\_\_\_\_ of the mushrooms at all picking sites to produce spores for the next generation and to provide wildlife with this food source.
- ( ) Mushrooms will be harvested by cutting at ground level, except Matsutake, which can be twisted/plucked. Mushroom stumps or depressions shall be covered with duff.
- ( ) The Purchaser/Permittee does not have exclusive rights to collection and removal of the product estimated and located on this contract/permit.
- ( ) If the purchaser of this contract, have read and understand the attached Special Provisions  
Signed: \_\_\_\_\_

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AND RESOURCES BY REPORTING CRIMES.  
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