



## Access Policy

*Collins Lakeview Forest – Modoc County, California and Lake County, Oregon*

**Policy Date: June 16, 2021**

*Except during declared fire season when Collins lands are closed to public use* or any other time the lands are closed, the public may use Collins lands according to the following provisions.

### **Summary:**

The Collins ownership is private property. *When the lands are open*, recreational use is generally available to *individual members* of the public, provided the property is treated with respect.

Forest-wide and/or site-specific closures or use limitations may be in effect anywhere and at any time, e.g. during wildfire season, near active logging operations or active scientific research projects. This includes camping locations.

Please be sure to check <https://www.facebook.com/CollinsCompanies> and please observe and comply with gates and posted signs.

### **Allowed Activities When the Lands are Open:**

Collins allows hiking, bicycling, snowshoeing and cross-country skiing. Fishing and hunting are also allowed as long as the individuals are properly licensed by the State where necessary. Limited overnight camping is allowed in select locations.

### **Limits:**

Collins reserves the right to refuse access to anyone, for any reason, at any time, on any piece of its property.

*Fires* - Collins **does not allow open fires** (e.g. using briquettes, or wood) **of any kind**, although cooking stoves equipped with shut off valves are allowed.

*Cameras* – No member of the public may place wildlife or any other type of surveillance camera on Collins land without prior, written permission from Collins. Collins will remove unauthorized cameras from its land.

*Drones* - Drone use above or around Collins land by members of the public is not allowed without prior written permission from Collins.

*Roads* - Trail &/or road building, &/or off-road vehicle use are not allowed, including bicycles. Vehicles must stay on existing roads.

*Specimen Collection* - Collins does not allow forest product, wildflower, mushroom, or other vegetative matter, non-game species, water or soil, or rock sample collection except by express written permission from Collins.

*Group activities* (e.g. Girl Scouts or Audubon Society) - Groups must receive express written permission from Collins prior to entering the property.

*Commercial use* - Collins does not permit commercial use of its lands – e.g. guided hunting or fishing trips.

*Protecting Cultural Heritage:*

Disturbing cultural sites or collecting cultural artifacts of any kind is prohibited pursuant to California Public Resources Code Sections 5097.993-5097.994 and California Penal Code Sections 622 and 623 and California Code of Regulations, Title 14, Section 4307, among others.

*Scientific Research* - Monitoring equipment has been placed in areas where research is under way. Please do not disturb it.

**Roads that Access Public Lands:**

Collins roads often provide access to federal lands. Roads that access federal land that are designated for public use are generally open for recreational purposes, but federal road policies may also preclude access to protect forest resources in specific areas.

Collins installs gates to limit access where Collins controls lands behind the gate or owns the road and/or operates under cooperative agreements with State and Federal agencies. Access behind locked gates is limited to non-motorized methods such as walking, bicycling, snow-shoeing, skiing, or horseback.

Leave all gates as you find them.

In all areas, in an effort to protect sensitive habitats and species while also minimizing erosion, vehicular use (including bicycles) is limited to existing roads.

Roads associated with active logging may be closed to public use anytime, anywhere to increase public safety.

Please do not block gates which may be needed for emergency vehicle access for fire and medical reasons.

**Law – be advised:**

*You access Collins lands at your own risk:*

While Collins generally permits access as to the Collins lands as described above, Collins will prosecute those who damage the Collins lands and related property.

Access to the California portion of the property is subject to California Penal Code Section 602, which makes it a crime to, among other things, cut or injure trees, damage signs, remove or damage fences and other items. Access to the Oregon portion of the property is subject to Oregon Revised Statutes Chapter 164, which criminalizes offenses against property.

The Collins lands are, for the most part, natural environments, with natural hazards, including but not limited to wildfire, cliffs, waterways, unmaintained roads, ditches, falling trees, poison oak, poisonous snakes, wild animals, and other unmarked hazards.

Access to the California portion of the property is further governed by California Civil Code Sections 846, 1008, and 1009. Please be advised that *if you enter Collins property in California you do so at your own risk*, and Collins shall not be liable to you for any injury to person or property, in accordance with California Civil Code Section 846.

**California Civil Code § 846. Permission to enter for recreational purposes**

An owner of any estate or any other interest in real property, whether possessory or non-possessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.

A "recreational purpose," as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleaning, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.

An owner of any estate or any other interest in real property, whether possessory or non-possessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section....[Exceptions omitted. See the code for the full code section]

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

Access to the Oregon portion of the property is further governed by Oregon Revised Statutes Sections 105.672-105.700. Please be advised that *if you enter Collins property in Oregon you do so at your own risk*, and Collins shall not be liable to you for any injury to person or property, in accordance with Oregon Revised Statutes Sections 105.682, 105.688(1) which provide in part:

**ORS 105.682. Liabilities of owner of land used by public for recreational purposes, gardening, woodcutting or harvest of special forest products**

“(1) . . . an owner of land is not liable in contract or tort for any personal injury, death or property damage that arises out of the use of the land for recreational purposes, gardening, woodcutting or the harvest of special forest products when the owner of land either directly or indirectly permits any person to use the land for recreational purposes, gardening, woodcutting or the harvest of special forest products. The limitation on liability provided by this section applies if the principal purpose for entry upon the land is for recreational purposes, gardening, woodcutting or the harvest of special forest products, and is not affected if the injury, death or damage occurs while the person entering land is engaging in activities other than the use of the land for recreational purposes, gardening, woodcutting or the harvest of special forest products.

(2) This section does not limit the liability of an owner of land for intentional injury or damage to a person coming onto land for recreational purposes, gardening, woodcutting or the harvest of special forest products.”

“recreational purposes” includes, but is not limited to, outdoor activities such as hunting, fishing, swimming, boating, camping, picnicking, hiking, nature study, outdoor educational activities, waterskiing, winter sports, viewing or enjoying historical, archaeological, scenic or scientific sites or volunteering for any public purpose project.

**ORS 105.688(1). Applicability of immunities from liability for owner of land**

[Exceptions deleted – see full statute for detail.] the immunities provided by ORS 105.682 apply to:

(a) All land, including but not limited to land adjacent or contiguous to any bodies of water, watercourses or the ocean shore as defined by ORS 390.605;

(b) All roads, bodies of water, watercourses, rights of way, buildings, fixtures and structures on the land described in paragraph (a) of this subsection;

(c) All paths, trails, roads, watercourses and other rights of way while being used by a person to reach land for recreational purposes, gardening, woodcutting or the harvest of special forest products, that are on land adjacent to the land that the person intends to use for recreational purposes, gardening, woodcutting or the harvest of special forest products, and that have not been improved, designed or maintained for the specific purpose of providing access for recreational purposes, gardening, woodcutting or the harvest of special forest products; and

(d) All machinery or equipment on the land described in paragraph (a) of this subsection.

**Changes in Policy:**

Collins reserves the right to change this policy from time to time in its sole discretion.

While Collins is proud to keep its lands open to public use, in some cases we think it’s prudent to control access to some areas.

It’s our duty to be good stewards of the land and that means we have to take measures to increase public safety, prevent fires, reduce erosion, prevent tree theft, protect habitats and species, prevent illegal garbage dumps and preserve scientific research.

When we’re successful stewards of the land, we protect the watershed leading to healthy aquatic habitat and fresh, clean water. We increase forest sustainability and resilience; we reduce human-caused fires and we create better outdoor experiences for users.

Contact us, and/or get to know the Collins Lakeview Forest (CLF): <http://www.collinsco.com/lakeview-overview/>

Learn more about the Collins Commitment: <http://www.collinsco.com/commitment/>