

Regulatory Analysis Form

This space for use by IRRC

(1) Agency

Department of Conservation and Natural Resources

(2) I.D. Number (Governor's Office Use)

7B-1

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INDEXED
REVIEW COMPLETED

IRRC Number:

1886

(3) Short Title

State Forest Rules and Regulations

(4) PA Code Cite

21 Pa Code Chapter 21

(5) Agency Contacts & Telephone Numbers

Primary Contact: Warren A. Ely 717-787-2014

Secondary Contact: H. E. Kelly 717-787-2015

(6) Type of Rulemaking (Check One)

- ☒ Proposed Rulemaking
☐ Final Order Adopting Regulation
☐ Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- ☒ No
☐ Yes: By the Attorney General
☐ Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

We are proposing to make major revisions to the out-dated State Forest Rules and Regulations in order to allow the Bureau of Forestry and its State Forest officers to improve the protection of the State Forest resource and safety of visitors.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The Conservation and Natural Resources Act, (71 P.S. §1340.313); 18 Pa. C. S. §§7505 and 7506, unless otherwise noted. There are no relevant state or federal court decisions.

PROPOSED

IRRC #	1886
PAB	9/13/97
CPC	11/12/97
CRD	12/12/97
MONITOR	AL
ANALYST	JS
SUPPORT	hSD

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. The Department is required by Section 313 of the Conservation and Natural Resource Act, 71 P.S. §1340.313, to promulgate regulations for the control, management, protection, utilization, development and use of the lands and resources of State Forests as it may deem necessary or proper to conserve the interests of the Commonwealth, and as necessary to carry out the act.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The rules and regulations which govern conduct on State Forest land have not been revised for more than 25 years. In their current form, they are badly out-dated and are no longer sufficient to allow the Department to protect and manage the use of State Forest land or to adequately insure the safety of visitors. The recreational and commercial use of State Forest land has increased dramatically over the last quarter century and these revisions are sorely needed.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

Non-regulation would lead to increased risk to State Forest visitors as well as pollution and severe damage to the environment.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The revisions to the State Forest Rules and Regulations will provide for improved protection of the forest resource and to the public recreating on State Forest land. Therefore, all citizens of the Commonwealth will benefit from their adoption.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effect as completely as possible and approximate the number of people who will be adversely affected.)

Horseback riders and mountain bikers will be prohibited from riding on two National Hiking Trails and 18 State Forest Designated Hiking Trails unless posted open for their use. However, they will not be excluded from most of the rest of the 2.1 million acres of State Forest land. In addition, all campers will be required to obtain, at no cost, a camping permit from the district forester.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All visitors to State Forest land will be required to comply with the rules and regulations. Examples of visitors include hikers, hunters, snowmobilers, cross-country skiers, campers, equestrians and bird-watchers.

(16) Describe the communications with and inputs from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

DCNR's Advisory Council has reviewed the proposed revisions and has requested the Department to seek as much public input as possible.

Beginning in July 1997, the Department will hold a series of public meetings across the Commonwealth. In addition, copies of the proposed revisions will be mailed to special interest and user groups such as the hiking, snowmobiling and equestrian communities.

(17) Provide a specific estimate of the cost and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Since no fees are charged in conjunction with the use of State Forest land, there will be no additional cost to State Forest visitors.

Regulatory Analysis Form

(18) Provide a specific estimate of the cost and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

None

(19) Provide a specific estimate of the cost and/or savings to state government associated with the implementation of the regulation, including any legal, accounting or consulting procedures which may be required.

There will be minor costs associated with revising and/or creating weather-proof cardboard signs. Those costs should not exceed \$2,000.

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(20) In the table below, provide an estimate of the fiscal savings and cost associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Governments						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Governments						
Total Cost						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Governments						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

Except for minor costs associated with producing signs, there will be no costs for the regulated community, local government or state government.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

None

Program	FY-3	FY-2	FY-1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and cost.

Not applicable.

(22) Describe the nonregulatory alternative considered and the cost associated with those alternatives. Provide the reasons for their dismissal.

Non-regulatory alternatives would not be appropriate.

This is a proposal to revise the existing State Forest Rules and Regulations.

(23) Describe alternative regulatory schemes considered and the cost associated with those schemes. Provide the reasons for their dismissal.

Not applicable.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no federal standards.

(25) How does the regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

All land management agencies across the country have very similar regulations. Adoption of these revisions will not put Pennsylvania at a competitive disadvantage.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

A series of public meetings will be held across the state beginning in July 1997. Dates and locations have not yet been determined.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

There will be a minor increase in the number of camping permits issued.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Not applicable.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

December 31, 1997.

(31) Provide the schedule for continual review of the regulation.

The State Forest Rules and Regulations will be reviewed two years after their adoption and every five years thereafter.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

97 Sep 2 AM 10:27

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

DEPUTY ATTORNEY GENERAL

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections
attached.

Copy below is hereby certified to be a true and correct copy
of a document issued, prescribed or promulgated by:

Department of
Conservation and Natural Resources

(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7B-1

DATE OF ADOPTION:

BY: X

TITLE: John C. Oliver, Secretary
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to
form and legality. Executive or Independent
Agency

BY: 6-11-97

DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

☐ Check if applicable. No Attorney Gen-
eral approval or objection within 30
days after submission.

Notice of
Proposed Rulemaking
Department of Conservation and Natural Resources

(17 Pa. Code Chapter 21)

Notice of Proposed Rulemaking
Department of Conservation and Natural Resources
(17 Pa. Code, Chapter 21)
State Forest Rules and Regulations

Preamble

The Department of Conservation and Natural Resources proposes to amend 17 Pa. Code, Chapter 21 (relating to State Forests - General provisions). The amendments would modernize the State Forest Rules and Regulations which have not been updated in more than 25 years. The proposed revisions will allow the Department to better manage the use of State Forest land and to protect fragile ecosystems.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. Contact Persons

For further information contact Warren A. Ely, Chief, Division of State Forest Management, P.O. Box 8552, Rachel Carson State Office Building, Harrisburg, PA 17105-8552, (717)787-2014, or Susan Wood, Assistant Counsel, P.O. Box 8767, Rachel Carson State Office Building, Harrisburg, PA 17105-8767, (717)772-4171. Information regarding submitting comments on this proposal appears in Section I of this preamble. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users).

C. Statutory Authority

The proposed rulemaking is being made under the authority of Section 313 of the Conservation and Natural Resources Act (71 P.S. §§ 1340.102-1340.1103) which directs the Department to formulate, adopt and promulgate rules and regulations regarding conduct on State Forest land.

D. Background and Purpose

The rules and regulations which govern conduct on State Forest land have not been revised for more than 25 years. In their current form, they are badly outdated and are no longer sufficient to allow the Department to protect and control the use of State Forest land. The recreational and commercial use of State Forest land has increased dramatically in the last quarter century and these revisions are sorely needed. The

Department's Advisory Council has reviewed the revisions and generally agrees that they are needed.

E. Summary of Regulatory Requirements

The following is a summary, by sections, of the significant changes:

Section 21.1 (Definitions): Definitions of the following terms are added: State Forest land, commercial activity, group activity, pack animal, State Forest designated hiking trail.

Section 21.12 (Mooring and launching): Subsection (d) allows boaters to launch small watercraft such as canoes and rubber rafts from any point on the shoreline. However, in order to protect the environment, boats on trailers must be launched from designated launch areas.

Section 21.21 (Motor vehicles):

Subsection (b) prohibits operating motor vehicles on roads, trails and other areas not designated for their use. From a practical standpoint, this section will have little impact on the using public. However, it will make enforcement much more efficient and will cause the Department's rules and regulations to be identical to the Pennsylvania Game Commission's thereby reducing confusion among visitors to both agencies' lands.

Subsection (d): The added wording in subsection (d) will allow adjoining landowners to receive commercial deliveries, such as fuel oil, without the necessity of obtaining a Road Use Agreement.

Section 21.23a (All-terrain vehicles): This new section cites the law under which all-terrain vehicles may be operated and, reflecting existing practice, states the times of year they may be operated. All-terrain vehicles are prohibited from April 2 until the Friday before Memorial Day in order to protect the forest resource during the spring when soils are saturated and also to avoid possible conflict with spring gobbler season.

Section 21.23b (Trail bikes and other motorized off-road vehicles): New language has been added to address the possibility that, in the future, facilities may be provided for trail bikes and other motorized off-road vehicles.

Section 21.24 (Spark arrestors): Needlessly technical language has been deleted and replaced with a simple statement that functional spark arrestors on all motorized vehicles including all-terrain vehicles, trail bikes and other off-road motor vehicles are required.

Section 21.25 (Parking): This is a new section that replaces paragraph (4) of Section 21.21. It expands the areas where parking is prohibited. It will allow State Forest Officers to issue parking tickets instead of requiring a citation to be issued or filed. This

will have the benefit of avoiding court costs for the person who parks in prohibited areas. This section is also found in the rules and regulations of the Bureau of State Parks.

Sections 21.26 (Horses, pack animals) and 21.27 (Bicycles, person-powered vehicles): This new section prohibits horses, pack animals and bicycles from the two National Hiking trails and the 18 State Forest designated hiking trails unless posted as open to such use. Those specific trails are maintained by volunteers from the hiking community and horses and bicycles have the capability to cause severe damage where the trails pass through fragile ecosystems.

Section 21.31 (Prohibitions): The language in this section has been expanded to provide for protection of a broader array of products of the forest. Also, the provisions of former § 21.70 (Removal of plants) have been included here.

Section 21.61 (Camping permit): This proposed revision would require that a camping permit be acquired by all campers on State Forest land. This will allow the Department to do a better job in monitoring camping activity. In addition, since camping continues to increase dramatically, it may be necessary in the future to control numbers. Requiring a camping permit will allow the Department to do that. At present, camping permits are free. There is no plan to charge for them in the near future.

Section 21.62 (Open fires): Since the spring and fall are normally the times of year when the danger of wildfires is at its highest, open fires are prohibited during these periods unless authorized by the District Forester.

Section 21.65 (Target shooting): Pennsylvania game laws do not define "approved targets." Therefore, the new wording in this section prohibits target shooting whenever there is a possibility of injuring or damaging people, animals, trees, or property.

Section 21.67 (Posting and soliciting): Soliciting has been added as being prohibited on State Forest land without the permission of the Department.

Section 21.69 (Swimming): Reserved. The prohibition against swimming has been deleted as being too restrictive and, for the most part, unenforceable.

Section 21.70 (Removal of plants): This section was incorporated into Section 21.31 (Prohibitions) and is therefore reserved.

Section 21.70a (Snow plowing): This is a new section. It prohibits snow plowing without the written permission of the District Forester or his representative because many State Forest roads also serve as snowmobile trails. In addition, plowing earthen roads can lead to damage due to increased traffic on wet roads.

Section 21.73 (Pets): This is a new section that permits pets on State Forest land, but requires that they be kept under control at all times. This is to insure the safety of State Forest visitors and wildlife.

Section 21.74 (Disorderly conduct): This is a new section that allows State Forest Officers to take action when disorderly conduct occurs.

Section 21.75 (Sanitation): This is a new section that is intended to protect the waters on State Forest land and to protect the health of State Forest visitors.

Section 21.76 (Feeding of wildlife): This is a new section that limits wildlife feeding in compliance with the Pennsylvania Game Code.

Section 21.77 (Commercial activity): This new section prohibits selling, distributing, delivering, servicing, guiding, or renting any equipment, material, or commodity or otherwise engaging in commercial activity on State Forest land without the approval of the District Forester.

Section 21.78 (Group activities): This new section reflects the Department's current policy of prohibiting group activities on State Forest land without the written permission of the District Forester.

Section 21.79 (Structures): This new section prohibits building or erecting structures or memorials, or engaging in construction or excavation activity without the written authorization of the Department. This language reflects current State Parks Rules and Regulations.

Section 21.80 (Trespass): This new section adds a trespass provision and the means to enforce it. It corrects the current situation in which State Forest Officers are sometimes severely hampered in the performance of their duties. A similar provision is included in the regulations of the Bureau of State Parks.

No companion federal regulations exist.

Beginning in January 1997, the Department will hold a series of informational public meetings across the Commonwealth. In addition, copies of the proposed revisions will be mailed to special interest and user groups such as hiking, snowmobiling and equestrian user groups. Finally, a press release concerning the proposed rules and regulations will be prepared.

F. Benefits, Costs and Compliance

Benefits

The revisions to the State Forest rules and regulations will provide for improved protection of the forest resource and to the public recreating on State Forest land. Therefore, all citizens will benefit from their adoption.

Compliance Costs

All visitors to State Forest land will be required to comply with the rules and regulations governing conduct. However, there will be no cost to them arising from compliance. There will be a minimal cost to the Department in that it will be necessary to revise some existing signs and create a few new ones.

Compliance Assistance Plan

Not applicable.

Paperwork Requirements

There will be a modest increase in the number of camping permits issued.

G. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule to be developed by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under Section 745.5(a) of the Regulatory Review Act (71 P.S. §745.1-745.15), the Department submitted a copy of the Proposed Rulemaking on September 2, 1997 to the Independent Regulatory Review Commission, and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided the Commission and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If the Commission has any objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Act specifies detailed procedures for the Department, the Governor and

the General Assembly to review these objections before final publication of the regulations.

I. Public Comments

Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulations to the Bureau of Forestry, P.O. Box 8552, Harrisburg, PA 17105-8552. Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Department by November 12, 1997.

J. Public Meetings

The Department of Conservation and Natural Resources will hold four public meetings for the purpose of explaining the proposed rulemaking and responding to questions. They will be held at 7:00 p.m. on the following dates and locations:

September 22, 1997 at the Landisburg Fire Company off of Route 850 in Landisburg, PA.

September 24, 1997 at the Wellsboro Fire Company on East Avenue in Wellsboro, PA.

September 25, 1997 at the Ramada Inn at Exit 10 of the Pennsylvania Turnpike in Somerset, PA.

September 29, 1997 at the Delaware Forest District Office located on Route 611 in Swiftwater, PA.

No formal record of questions or comments will be kept for these meetings.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Warren A. Ely directly at (717)787-2014 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

BY:

John C. Oliver
Secretary
Department of Conservation and
Natural Resources

TITLE 17 RULES AND REGULATIONS

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES SUBPART C. STATE FORESTS

CHAPTER 21. GENERAL PROVISIONS

Authority

The provisions of this Chapter 21 issued under [Section 1920-A of the Administrative Code of 1929 (71 P.S. § 510-20)] the Conservation and Natural Resources Act, 71 P.S. § 1340.313; and the Crimes Code, 18 Pa. C.S. §§ 7505 and 7506, unless otherwise noted.

PRELIMINARY PROVISIONS

§ 21.1. Definitions.

The following words and terms, when used in this chapter, [shall] have the following meanings, unless the context clearly indicates otherwise:

[Bureau - The Bureau of Forestry of the Department.]

District Forester - The Department's Bureau of Forestry employe so designated.

State Forest land - Land which is owned or leased by the Commonwealth and which is administered by the Bureau of Forestry.

Commercial activity - An activity in which a person directly or indirectly accepts consideration of value as compensation for the provision of goods or services, including transportation.

Group activity - An organized activity occurring as a scheduled event and requiring a large land area or unique land formation and which may conflict with normal or traditional uses or pose a potential environmental problem.

Pack animal - Horse, mule, donkey or other heavy beast of burden.

State Forest designated hiking trail - Any trail on State Forest land which is listed as a major named hiking trail in the State Forest resource plan and posted as a State Forest designated hiking trail.

§ 21.2. Scope.

This chapter applies to all State Forest[s] land [in the Commonwealth under the jurisdiction of the Department].

§ 21.3. Violations.

- (a) A person is guilty of a summary offense under 18 Pa. C.S. § 7505 (relating to violation of governmental rules regarding traffic) if that person commits an act which is prohibited by § 21.21 (relating to [licensed] motor vehicles).

- (b) A person is guilty of a summary offense under 18 Pa. C.S. § 7506 (relating to violation of rules regarding conduct on Commonwealth property) if that person commits an act which is prohibited by this chapter other than those set forth in subsection (a).

BOATING

§ 21.11. Use.

Unless posted otherwise, all waters on State Forest land [shall be] are open for the operation of watercraft. Operation of watercraft in waters posted against such operation [shall be] is prohibited.

§ 21.12. Mooring and launching.

- (a) Overnight mooring or storage of watercraft from November 15 through March 31 [shall be] is prohibited except on lands leased from the Commonwealth.
- (b) The launching or mooring of watercraft on [waters] lakes and ponds in State Forests requires the appropriate valid State Recreation Area Watercraft Permit affixed aft of amidship on the starboard - right-side.
- (c) A current Fish and Boat Commission number and certificate of watercraft registration permits daily launching only.

[(d) Fees are as follows:

- | | |
|----------------------|--------------|
| (1) Mooring Permit | \$ 15/year |
| (2) Launching Permit | \$5.00/year |
| (3) Boat Dock Permit | \$5.00/year] |

[(d) Small, hand-carried boats, rafts and canoes may be launched from any point on the shoreline. Boats on trailers may be launched only at designated launch areas.]

[(e) Boat launching shall be prohibited at other than designated launching areas.]

[(f)] (e) Boat mooring [shall be] is prohibited at other than designated mooring areas.

§ 21.13. Motorized boats.

Use of motors, except electric motors, for the propulsion of watercraft [shall be] is prohibited.

MOTORIZED VEHICLES

§ 21.21. [Licensed] Motor vehicles.

This section pertains to motor vehicles other than those addressed in Sections 21.22, 21.23a and 21.23b.

[Licensed motor vehicles shall be permitted on State Forest roads open to public travel.] Operation of motor vehicles on State Forest land in the following manners [shall be] is prohibited:

- [(1)] (a) Operation of [any] a motor vehicle in [a reckless or negligent manner] careless disregard for the safety of persons or property, or in excess of posted speed limits or, where no speed limit is posted, in excess of 25 miles per hour.
- (b) Driving on roads, trails or other areas not specifically designated and posted for motor vehicle traffic unless authorized in writing by the District Forester or his designee.
- [(2)] (c) Driving on roads, trails or other areas closed to [vehicular traffic] motor vehicles by posted signs or barriers.
- [(3)] (d) The use of State Forest roads for commercial purposes without a Road Use Agreement from the Department. An individual or corporation whose property adjoins State Forest land is not required to obtain a Road Use Agreement to use State Forest roads for incidental commercial purposes to make deliveries to the property.
- [(4) Parking a vehicle in front of gates or on roads in such a manner as to interfere with the free use of the gate or road.]
- [(5)] (e) Operating unlicensed [or], unregistered or uninspected motor vehicles on State Forest [roads open to public travel] land.

§ 21.22. Snowmobiles.

- (a) Snowmobiling [shall be] is permitted in accordance with 75 Pa. C.S. Chapter 77 (relating to snowmobiles) and this section.
- (b) Snowmobiles may be operated on designated snowmobile roads, designated trails, and designated and posted areas on State Forest land from the day following the last day of regular or extended antlerless deer season as established by the Pennsylvania Game Commission until the following April 1, inclusive, or earlier, as determined by [snow conditions] the District Forester.
- (c) Operation of snowmobiles on any road, trail or area not [specially] specifically designated and posted for snowmobile use or at any time of year in which snowmobiling [shall] is not [be] permitted under this section [shall be] is prohibited.

§ 21.23a. All-terrain vehicles.

- (a) The operation of all-terrain vehicles is permitted in accordance with 75 Pa. C.S. Chapter 77 (relating to all-terrain vehicles) and this section.
- (b) All-terrain vehicles may be operated on designated and posted roads, trails and other areas from the Friday before Memorial Day until September 24, inclusive, and from the day following the last day of the regular or extended antlerless deer season as established by the Pennsylvania Game Commission until April 1, inclusive.
- (c) Operation of all-terrain vehicles on any road, trail, or area not specifically designated and posted for all-terrain vehicle use, or at any time of year in which all-terrain vehicle use is excluded under this section is prohibited.

[§ 21.23] § 21.23b. Trail bikes[,] and other motorized off-road vehicles.

This section pertains to motorized off-road vehicles other than those addressed in Sections 21.22 and 21.23a.

- (a) Trail bikes[, and other motorized off-road vehicles[, and all other similar motorized recreation vehicles] may be operated only on [designated] roads, [designated] trails[, or other areas [which] that have been specifically designated and posted for their use.
- (b) [Unless authorized in writing by the Bureau, all such vehicles are excluded from State Forest land between September 25 and the day following the last day of antlerless deer hunting season, inclusive, as established by the Game Commission.] Trail bikes and other motorized off-road vehicles may be operated only during the times of year authorized by the Department's Bureau of Forestry by posted signs.
- (c) Operation of trail bikes[, off-road vehicles,] and [all] other [similar] motorized [recreation] off-road vehicles on any road, trail, or other area not [specially] specifically designated and posted for their use, or at any time of the year in which their use is excluded under this section [shall be] is prohibited.

§ 21.24. Spark arrestors.

Operation of any motorized vehicle, all-terrain vehicle, trail bike or other motorized off-road vehicle in, on or through State Forest land without a fully functional spark arrestor is prohibited.

- (a) All trail bikes, off-road vehicles, and other similar motorized recreation vehicles operating in, on, or through State Forest land shall have an approved, properly installed spark arrestor which shall meet and be qualified to either of the following:
 - (1) The United States Department of Agriculture, Forest Service Standard 5100-1a.
 - (2) The 80% efficiency level when determined in accordance with the appropriate SAE recommended practices J335 or J350 noise level restrictions.
- (b) The United States Forest Service publication, Spark Arrestor Guide, will be used as the reference source in determining whether or not a spark arrestor is approved.
- (c) Operation of any trail bike, off-road vehicle, or other similar motorized recreation vehicle in, on, or through State Forest land without an approved spark arrestor shall be prohibited.]

§ 21.25. Parking.

(a) Parking a motor vehicle, all-terrain vehicle, snowmobile, trail bike, other motorized off-road vehicle, boat trailer, camp trailer or other equipment which obstructs a gate, road, trail, footpath, bicycle path, access way, drinking fountain, entrance, exit or road turnaround on State Forest land is prohibited.

(b) Violations of this section will be handled as follows:

- (1) Prior to the filing of a citation charging a summary offense under this section, the Department may issue a parking ticket, which will be handed to the violator or placed on the windshield of the violator's vehicle. The violator may avoid criminal proceedings by paying a charge to the Department, equivalent to the maximum fine as provided in 18 Pa. C.S. § 7505, within five days of the violation in the manner specified on the ticket.

- (2) When a parking ticket has been issued, the Department may institute criminal proceedings only upon failure of the violator to pay the charge in accordance with the time limit specified in paragraph (1) and in the manner specified on the ticket.
- (3) When a parking ticket has not been issued, the Department may institute criminal proceedings by issuing a citation.

ANIMALS AND NON-MOTORIZED VEHICLES

§ 21.26. Horses, pack animals.

Horses and pack animals are permitted on State Forest land with the following exceptions:

- (a) National and State Forest designated hiking trails unless posted as being open to such use.
- (b) A road, trail or other area posted against the use of such animals.

§ 21.27. Bicycles, person-powered vehicles.

Bicycles and person-powered vehicles are permitted on State Forest land with the following exceptions:

- (a) National and State Forest designated hiking trails unless posted as being open to such use.
- (b) A road, trail or other area posted against the use of such vehicles.

[FUEL WOOD]

FOREST PRODUCTS

§ 21.31. [Permit.] Prohibitions.

[Cutting and removing any wood from State Forest land without a permit issued by the District Forester or his designee shall be prohibited.] The following activities are prohibited:

- (a) Cutting, picking, digging, damaging or removing, in whole or in part, a living or dead plant, vine, shrub, tree, or flower on State Forest land without written authorization of the District Forester or his designee, except that berries, nuts, leeks and mushrooms may be gathered without such authorization so long as they are gathered for one's own personal or family consumption.
- (b) Removing rocks, shale, sand, clay, soil or other mineral products from State Forest land without written authorization of the District Forester or his designee.
- (c) Removing peat, sawdust, bark, mulch or other products from State Forest land without written authorization of the District Forester or his designee.
- (d) Removing or disturbing historical or archeological resources from State Forest land without written authorization of the District Forester or his designee.

§ 21.32. Designated trees.

Cutting or removal of other than designated or marked trees [shall be] is prohibited.

§ 21.33. Cutting practices.

- (a) The stump height of cut trees [shall] may not exceed the diameter of the stump or 12 inches, whichever is smaller.
- (b) All tops and slash shall be removed 25 feet from streams, roads, trails and State Forest boundaries.
- (c) [The use of unauthorized cutting practices or the] The blocking of drainage ditches [along forest roads or streams], pipes and other structures with tops and slash [shall be] is prohibited.

§ 21.34. Removal.

[(a)] The removal of fuel wood and other forest products from the forest by [by means] the use of tractors, skidders or any method other than hand carrying [shall be] is prohibited [unless otherwise authorized in writing by] without written authorization of the District Forester or his designee.

[(b)] All wood of greater than 4-inch diameter from a felled tree must be removed.]

[§ 21.35. Liability. The Commonwealth will not be liable for any accidents, injuries or damages incurred by or caused by the permittee in cutting and removing fuel wood.]

MISCELLANEOUS PROVISIONS

§ 21.61. Camping permit.

Camping is defined as overnight lodging using standard camping equipment. Camping without a current camping permit issued by the District Forester or his designee is prohibited. [; provided, however, that primitive backpack campers not using developed facilities shall not need a permit if they stay no more than one night at any campsite.]

§ 21.62. Open fires.

- (a) Subject to the prohibition in subsection (b), [Small] small campfires [for cooking or warming purposes shall be] are permitted only [at places] where adequate precautions are taken to prevent the spread of fire into the forest [; all]. All other fires are prohibited. Campfires must be attended at all times.
- (b) [All open] Open fires [of any kind shall be] are prohibited when the forest-fire danger is [posted as] determined by the District Forester to be High, Very High, or Extreme [.] and from March 1 to May 25, inclusive and from October 1 to December 1, inclusive, without authorization from the District Forester or his designee.
- (c) A person causing a wildfire, in addition to possible criminal penalty, [shall be] is liable for all damages, costs of extinction, and fines.

§ 21.63. Hunting and trapping.

- (a) Hunting and trapping on State Forest land [shall be] are permitted in accordance with current Pennsylvania game laws and regulations [on all areas,] unless otherwise posted.
- (b) Hunting and trapping in violation of posted closure or special restriction notices [shall be] are prohibited.

§ 21.64. Fishing.

- (a) Fishing in waters on State Forest land [shall be] is permitted in accordance with current Pennsylvania fish and boat laws and regulations, unless otherwise posted.
- (b) Fishing in violation of posted closure or special restriction notices [shall be] is prohibited.

§ 21.65. Target shooting.

Target shooting with firearms, [or] bows and arrows [at other than protected and approved targets and in conformity with the Pennsylvania game laws shall be prohibited.] or devices capable of launching projectiles and causing injury to persons or property is prohibited at any location where it could cause or threaten injury, damage or disturbance to any person, animal, living tree, sign, structure or equipment.

§ 21.66. Destruction of property.

Damaging, defacing or removing any sign, structure, equipment or other material [shall be] is prohibited.

§ 21.67. Posting and soliciting.

Posting of signs or soliciting without [the permission of the Department] written authorization of the District Forester or his designee is prohibited.

§ 21.68. Littering and disposal.

Littering or disposal of [of areas with] garbage, paper, household refuse, waste or other [waste] material of any kind is prohibited.

§ 21.69. (Reserved). [Swimming.

Unless otherwise authorized, swimming shall be prohibited in all dams, ponds, lakes and streams on State Forest lands.]

§ 21.70. (Reserved). [Removal of plants.

Picking, digging, cutting, damaging or removing any living plant, vine, shrub or tree or flower thereof shall be prohibited, unless authorized by written permit from the Department.]

§ 21.70a. Snow plowing.

The plowing or removal of snow from State Forest land without written authorization of the District Forester or his designee is prohibited.

§ 21.71. Closure.

- (a) Areas or portions of a State Forest or State Forest facilities may be closed or restricted to certain [specified] uses [by the Department] by the District Forester or his designee.
- (b) [Restricted areas or facilities will be conspicuously posted to inform the public of the restricted use of the area.] The public will be informed of the closed or restricted areas or facilities by any form of communication, which may include posted signs, or by fencing or other enclosure manifestly designed to exclude intruders.
- (c) Violation of the closure or restriction notices under subsection [(a)] (b) is prohibited.

§ 21.72. Closure because of fire danger.

- (a) [In the event] If the forest-fire danger rating is Very High or Extreme, [the Director of the Bureau of Forestry may close] all or portions of the State Forest may be closed to certain specified uses.
- (b) Violation of a closure notice under subsection (a) is prohibited.

§ 21.73. Pets.

Pets are permitted on State Forest land if they are kept under control and attended at all times.

§ 21.74. Disorderly conduct.

The following are prohibited:

- (a) Fighting, threatening, violent or tumultuous behavior.
- (b) The possession or consumption of alcoholic beverages by persons under 21 years of age.

§ 21.75. Sanitation.

The use of water outlets, springs, lakes or waterways for washing purposes, or the discharge of trailer, camper or motor home sewage, sink water or bath water on or into the ground or surface waters, is prohibited.

§ 21.76. Feeding of wildlife.

- (a) Feeding of wildlife, except for elevated songbird feeders of less than one-half bushel capacity, is prohibited on State Forest land from 30 days prior to the beginning of spring gobbler season until the day following the last day of flintlock muzzleloader deer season.
- (b) Placing of wildlife feeders of more than one-half bushel capacity on State Forest land without the authorization of the District Forester or his designee, is prohibited.

§ 21.77. Commercial activity.

Selling, distributing, delivering, servicing, guiding, or renting any equipment, material, or commodity or otherwise engaging in commercial activity on State Forest land without written authorization of the District Forester or his designee is prohibited.

§ 21.78. Group activities.

Group activities are prohibited without written authorization of the District Forester or his designee.

§ 21.79. Structures.

Building or erecting a structure or memorial, or engaging in construction or excavation activity, without written authorization of the Department is prohibited.

§ 21.80. Trespass.

- (a) A person who violates a provision of this chapter or disregards instructions or warnings given by a State Forest Officer or interferes with a State Forest Officer in the performance of the duties of the Officer may be ordered to leave State Forest land.
- (b) A person who refuses to leave State Forest land, after receiving an order to leave from a State Forest Officer, commits an act of criminal trespass under 18 Pa. C.S. § 3503 (relating to criminal trespass).



Pennsylvania Department of Conservation and Natural Resources

Rachel Carson State Office Building, P.O. Box 8767, Harrisburg, PA 17105-8767
Office of the Secretary

September 2, 1997

Mr. Robert E. Nyce
Executive Director
Independent Regulatory Review Commission
14th Floor, Harrisstown II
Harrisburg, PA 17101

RE: Proposed Rulemaking - State Forest Rules and Regulations (#7B-1)

Dear Mr. Nyce: *Bob,*

Enclosed is a copy of a proposed regulation for review by the Independent Regulatory Review Commission pursuant to the Regulatory Review Act. Section 5(b)(3) of the Act provides that the Commission shall have 30 calendar days from the closing date of the public comment period to notify the Department of any objections.

The Department of Conservation and Natural Resources will provide the Commission with any assistance it may require to facilitate the review of this proposed regulation. If you have any questions regarding this proposal, please contact Warren A. Ely, Chief, Division of State Forest Management, at 717-787-2014.

Sincerely yours,

John C. Oliver
Secretary

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 7B-1

SUBJECT: State Forests - General Provisions

AGENCY: Conservation and Natural Resources

RECEIVED
97 Sep 2 11:10:27
INDEPENDENT
REVIEW COMMISSION

TYPE OF REGULATION

☒ Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

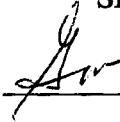
FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

9-2-97



HOUSE COMMITTEE ON
ENVIRONMENTAL RESOURCES &
ENERGY

9-2



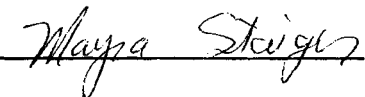
SENATE COMMITTEE ON
ENVIRONMENTAL RESOURCES &
ENERGY

9/2/97



INDEPENDENT REGULATORY
REVIEW COMMISSION

9/2/97



ATTORNEY GENERAL

LEGISLATIVE REFERENCE
BUREAU

July 16, 1997