

# Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY  
REVIEW COMMISSION

2015 MAY 15 PM 4:02

IRRC

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(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency

Department of Conservation & Natural Resources

(2) Agency Number: 7B

Identification Number: 7

IRRC Number: 3072

(3) PA Code Cite: 17 Pa. Code Chapters 21 and 23

(4) Short Title: Chapter 21: State Forests—General Provisions; Chapter 23: State Forests—State Forest Picnic Areas

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Matt Beaver, Chief, Operations and Recreation Division, Bureau of Forestry, DCNR, 717-783-7941, mbeaver@pa.gov

Secondary Contact: Wendy Carson, Assistant Counsel, DCNR, 717-772-4171, wecarson@pa.gov

(6) Type of Rulemaking (check applicable box):

☐ Proposed Regulation

X Final Regulation

☐ Final Omitted Regulation

☐ Emergency Certification Regulation;

☐ Certification by the Governor

☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

In order to eliminate redundancies and inconsistencies between the general State forest regulations in Chapter 21 and the State forest picnic area regulations in Chapter 23, this final rulemaking consolidates the two sets of regulations into Chapter 21 and eliminates Chapter 23.

In addition to consolidating the two chapters, the purpose of this final rulemaking is to reorganize, update, and clarify State forest regulations. A provision on ground blinds and tree stands has been added.

(8) State the statutory authority for the regulation. Include specific statutory citation.

Conservation and Natural Resources Act, 71 P.S. §§ 1340.302, 1340.313 and 1340.502  
Crimes Code, 18 Pa.C.S. §§ 7505 and 7506.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

[Type text]

No.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

By clarifying and updating Chapter 21, and by consolidating the State forest picnic area regulations (Chapter 23) into Chapter 21, this rulemaking will improve the protection of State forest resources, the safety of visitors and the recreational opportunities of State forest visitors. Over 250,000 visits are made annually to Pennsylvania State forests.

(11) 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.

Not applicable.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

These regulations are comparable to state forest regulations of other states. They are not anticipated to affect Pennsylvania's ability to compete with other states.

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

These regulations will not affect any other DCNR regulations or those of other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Department solicited early feedback by releasing an exposure draft of this rulemaking and received input from: Conservation and Natural Resources Advisory Council; PA Trail Riders Association, Recreation Advisory Committee; Governor's Advisory Council for Hunting, Fishing, and Conservation;

Pennsylvania Game Commission; and Pennsylvania Fish and Boat Commission. The draft was also reviewed internally across multiple bureaus within DCNR.

Each council/committee and the two commissions were given a draft version of the proposed rulemaking and were encouraged to provide feedback and comments to the Department. Also, general discussion occurred among the councils at regular business meetings.

The rulemaking was published as proposed on September 6, 2014, and no public comments were received.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Over 250,000 visits are made annually to each Pennsylvania State forest, and this rulemaking will affect these visitors. However, this rulemaking will not affect businesses, small businesses or organizations that operate on or utilize State forest lands, which include timbering operations and businesses that provide outdoor recreation opportunities to the public.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

This rulemaking will affect visitors to State forests. Over 250,000 visits are made annually to each Pennsylvania State forest. The rulemaking will not affect small businesses.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

By clarifying and updating Chapter 21, and by consolidating the State forest picnic area regulations (Chapter 23) into Chapter 21, this rulemaking will improve the protection of State forest resources, the safety of visitors and the recreational opportunities of State forest visitors. Eliminating redundancies and discrepancies and consolidating the two sets of regulations will make the regulations easier to understand by the public and will facilitate compliance.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

There are no expected costs, so the benefits from improving the overall quality of recreational opportunities outweigh any costs or adverse effects.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

[Type text]

No anticipated costs and/or savings to the regulated community associated with this rulemaking.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

No anticipated costs and/or savings to local governments associated with this rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

No anticipated costs and/or savings to state government associated with this rulemaking.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There will be no additional procedures, forms, or reports.

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

Not applicable.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>						
Regulated Community						
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>						
Regulated Community						

[Type text]

<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>						

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Not applicable.

<b>Program</b>	<b>FY -3</b>	<b>FY -2</b>	<b>FY -1</b>	<b>Current FY</b>

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

As described in Paragraph 15, above, there is no adverse impact expected on small businesses.

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

Not applicable.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Department considered the status quo and determined that eliminating redundancies and discrepancies and consolidating the two Chapters is the least burdensome acceptable alternative. This final rulemaking will provide clarity to the public and facilitate compliance with the regulations without additional cost being incurred by the regulated community.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The Department considered the impact this rulemaking will have on small businesses and determined that no adverse impact to small businesses is expected because this rulemaking affects visitors to Pennsylvania State forests, but not the small businesses that operate on or utilize state forest lands.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Not applicable.

(29) Include a schedule for review of the regulation including:

A. The date by which the agency must receive public comments: N/A

B. The date or dates on which public meetings or hearings will be held: N/A

C. The expected date of promulgation of the proposed regulation as a final-form regulation:  
March/April 2015.

[Type text]

D. The expected effective date of the final-form regulation: Date of publication in the *Pennsylvania Bulletin*.

E. The date by which compliance with the final-form regulation will be required: Effective date.

F. The date by which required permits, licenses or other approvals must be obtained: N/A.

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

Chapter 21 will be reviewed annually.





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

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to form and legality.  
Executive or Independent  
Agencies.

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

Department of Conservation and Natural Resources  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 7B-7

DATE OF APPROVAL

DATE OF ADOPTION:

4/30/15  
DATE OF APPROVAL

BY: \_\_\_\_\_

Deputy General Counsel  
(~~Chief Counsel,~~  
~~Independent Agency~~)

(Strike inapplicable title)

Cindy Adams Dunn, Acting Secretary

TITLE: \_\_\_\_\_  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[ ] Check if applicable  
Copy not approved.  
Objections attached.

[ ] Check if applicable.  
No Attorney General approval  
or objection within 30 days  
after submission.

Final RULEMAKING  
COMMONWEALTH OF PENNSYLVANIA

17 PA. CODE, CH. 21 & 23  
State Forests-General Provisions; State Forest Picnic Areas



# FINAL RULEMAKING

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### 17 PA. CODE CH. 21 & 23

#### State Forests—General Provisions; State Forest Picnic Areas

The Department of Conservation and Natural Resources (Department or DCNR), Bureau of Forestry (Bureau) proposes to amend Chapter 21 (relating to State forests—general provisions) and eliminate Chapter 23 (State forest picnic areas). Chapters 21 and 23 will be consolidated into Chapter 21.

#### A. *Effective Date*

These amendments will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. *Contact Persons*

For further information, contact Matt Beaver, Chief, Operations and Recreation Division, Bureau of Forestry, Department of Conservation and Natural Resources, P. O. Box 8552, Harrisburg, PA 17105-8552, 717-783-7941, or Wendy Carson, Assistant Counsel, Office of Chief Counsel, Department of Conservation and Natural Resources, P.O. Box 8767, Harrisburg, PA 17105, 717-772-4171. Persons with a disability may use 1-800-654-5984 (TTY). This final-form rulemaking is posted on the Department's website: [www.dcnr.state.pa.us](http://www.dcnr.state.pa.us).

#### C. *Statutory Authority*

This final-form rulemaking is made under the authority of §§ 302, 313 and 502 of the Conservation and Natural Resources Act, 71 P.S. §§ 1340.302, 1340.313 and 1340.502; and the Crimes Code, 18 Pa.C.S. §§ 7505 and 7506.

#### D. *Background and Purpose*

17 Pa. Code Chapter 21 applies to all state forest land, including picnic areas. Chapter 23 applies solely to picnic areas. There are several redundancies and inconsistencies between the two chapters and because there is no particular benefit to maintaining these regulations in two chapters, this final-form rulemaking consolidates the general state forest rules and the state forest picnic area rules into one chapter, Chapter 21.

Chapters 21 and 23 of Title 17 of the *Pennsylvania Code* were last revised in 1999 and 2003, respectively. In addition to consolidating the two chapters, the purpose of this final-form

rulemaking is to reorganize, update, and clarify state forest regulations. A new provision on ground blinds and tree stands is added.

Because this final-form rulemaking consolidates Chapter 23 with Chapter 21 and reorganizes Chapter 21, all sections in the current Chapter 21 are deleted and replaced by sections with new numbers. In the *Pennsylvania Code*, the sections that are deleted, 21.1 through 21.80, will be notated as “reserved.” The new sections are numbered 21.101 through 21.124.

E. *Summary of Regulatory Requirements*

*Definitions (§ 21.101).* This section replaces § 21.1 (definitions). The following terms are added:

- Act
- All-terrain vehicle
- Crimes Code
- Department
- Fish and Boat Code
- Game and Wildlife Code
- Motor vehicle
- Motorized off-road vehicle
- Permission of the Department or permitted by the Department
- Person
- Permit
- Picnic area
- Snowmobile
- State forest (replaces currently defined term “state forest land”)
- Vehicle
- Vehicle Code
- Watercraft

The following terms are deleted:

- Camping—The new “camping” section (§ 21.117) defines the three types of camping. Therefore, a generic definition of “camping” is not needed.
- District Forester—The new definition of “Department” includes authorized officials of the Department.
- Group activity—The new “group activities” section (§ 21.119) describes the type of activity that requires authorization. A definition is not needed.

*Scope (§ 21.102).* This section replaces § 21.2 (scope)

*Trespass (§ 21.103).* This section replaces § 21.80 (trespass). It adds a reference to “Department-commissioned officer.”

*Closure (§ 21.104).* This section replaces § 21.4 (closure) and § 21.72 (closure because of fire danger). It adds a provision under which the Department may prohibit certain uses or activities.

*Property left in a State forest (§ 21.105).* This provision is added to place the public on notice that the Department may move, remove, store (and charge a fee), or dispose of property left in a state forest. It is similar to a provision in the state parks' regulations (17 Pa. Code § 11.206), but tightens it by adding a prohibition against leaving property for more than 24 hours.

*Picnic areas (§ 21.106).* This section contains the provisions currently in Chapter 23 that apply only to picnic areas. It replaces the following sections in Chapter 23: § 23.11 (schedule), § 23.14 (alcoholic beverages), § 23.17 (hunting, trapping and shooting), § 23.20 (pets), and § 23.23 (removal of facilities).

Provisions in the following sections in Chapter 23 are absorbed into the revised Chapter 21 and made applicable to state forest land generally: § 23.1 (definitions), § 23.2 (application), § 23.3 (violations), § 23.12 (motor vehicles), § 23.15 (trash and garbage disposal), § 23.16 (fires), § 23.22 (organized events), and § 23.24 (disorderly, indecent or obscene or lewd conduct).

*Hunting, trapping and shooting (§ 21.107).* This section replaces § 21.63 (hunting and trapping) and § 21.65 (target shooting).

*Fishing (§ 21.108).* This section replaces § 21.64 (fishing).

*Boating (§ 21.109).* This section replaces § 21.11 (use) and § 21.12 (mooring and launching). It adds a provision on docks and clarifies that launching is permitted with either a Department permit or a Pennsylvania Fish and Boat Commission registration.

*Traffic (§ 21.110).* This section replaces § 21.21 (motor vehicles) and § 21.3(a) (violations). Section 21.110(b) is pursuant to § 7505 (violation of governmental rules regarding traffic) of the Crimes Code (18 Pa.C.S. § 7505), which states that a violation of a Department regulation governing parking or traffic on Department property is a summary offense. Section 21.110(b)(3) clarifies those areas where vehicle operation is allowed on state forest lands.

*Parking (§ 21.111).* This section replaces § 21.25 (parking) and § 21.3(a) (violations). Subsection (a)(2) prohibits parking in locations that obstruct a gate, road, *etc.* and in locations posted as closed under § 21.104 (closure).

Subsection (a)(1) allows for parking in a handicapped space by persons with a disability if the Department has given written permission. This is consistent with the Americans with Disabilities Act and the Department's policy on access to state forests by persons with disabilities.

Subsection (b)(1) is pursuant to § 7505 (violation of governmental rules regarding traffic) of the Crimes Code (18 Pa.C.S. § 7505), which states that a violation of a Department regulation governing parking or traffic on Department property is a summary offense.

Subsection (b)(2) provides authority for issuing parking tickets for parking offenses under the Vehicle Code. This is an expansion of the provision in the existing § 21.25, which allows for parking tickets only for violations of Chapter 21 regulations.

*Snowmobiles (§ 21.112).* This section replaces § 21.22 (snowmobiles), which specifies the requirements for riding a snowmobile on state forest land, including the period during which riding is permitted.

This section also reiterates the existing helmet requirement for operators and riders of snowmobiles that is found in 17 Pa. Code § 51.93 (helmet requirements).

*All-terrain vehicles (§ 21.113).* This section replaces § 21.23a (all-terrain vehicles), which specifies the requirements for riding an all-terrain vehicle on state forest land, including the period during which riding is permitted.

This section also reiterates the existing helmet requirement for operators and riders of all-terrain vehicles that is found in 17 Pa. Code § 51.93 (helmet requirements).

*Motorized off-road vehicles (§ 21.114).* This section replaces § 21.23 (trail bikes and other motorized off-road vehicles); eliminates a specific reference to trail bikes; and permits motorized off-road vehicles on roads, trails, or areas that are posted and designated for their use. The only forest district where motorized off-road vehicles are permitted is Bald Eagle State Forest, which has trails for off-highway and dual-sport motorcycles.

This section also establishes a riding season, which is the same as the ATV season, for the purposes of reducing user group conflict during Pennsylvania's hunting seasons (fall, winter, and spring), minimizing damage to the trail system during winter thaws and spring rains, and avoiding interference with spring wildlife mating / nesting season.

“Written permission” is intended to encompass permission to use a powered mobility device under the Department’s policy on access to state forest land by persons with mobility disabilities.

Helmets are required for operators and riders.

*Natural resources (§ 21.115).* This section replaces § 21.31 (prohibitions). It removes from Chapter 21 several provisions that more appropriately belong in permits, rather than in regulations. These are: § 21.32 (designated trees), § 21.33 (cutting practices), and § 21.34 (removal). However, compliance with permit conditions may still be enforced by citing § 21.122 (other prohibitions) prohibiting the failure to comply with a condition of a permit.

The prohibition in (a)(1) against cutting, picking (etc.) plants adds a specific reference to “fungus, lichen, and moss.”

The prohibition against removal of sawdust is deleted in the new § 21.115 (a)(3) because loggers no longer saw lumber at timbering sites.

Pine straw is added to the list at (a)(3) of forest products that may not be removed without written permission of the Department. The reason for this is that a commercial market has developed in the landscaping industry for pine straw and the Department needs a means of regulating its removal from state forest land.

The section adds a prohibition in (a)(5) against releasing an animal that was brought into a state forest.

Current § 21.31 prohibiting cutting, picking (etc.) of plants allows an exception for edible wild plants for personal or family consumption. The new § 21.115(b)(1) retains this exception but states that the exception does *not* apply to plants listed in Chapter 45 (conservation of Pennsylvania native wild plants) as threatened, endangered, rare or vulnerable.

*Feeding wildlife (§ 21.116).* This section replaces § 21.76 (feeding of wildlife), which allows for about one and a half bushels of feed (spring gobbler season begins on May 1 and flintlock muzzleloader deer season ends on about January 15). This blanket permission is replaced with a blanket prohibition without written permission. The reason for the more restrictive provision is that leaving food for wildlife results in animals, including bears and deer, congregating or habituating areas where they may become a nuisance. In addition, the concentration of deer or elk or other wildlife can promote the spread of diseases, such as Chronic Wasting Disease.

*Camping (§ 21.117).* This section replaces § 21.61 (camping permit). It clarifies the differences among the four types of camping—primitive, motorized, group, and water trail—and whether or under what circumstances permission is needed.

*Fires (§ 21.118).* This section replaces § 21.62 (open fires) and § 23.16 (picnic areas--fires). The new section clarifies the fire provisions and makes them less subjective. It does not establish a fall fire season as the current section does, thereby allowing the Department to declare it annually based on conditions existing in that year.

*Group activities (§ 21.119).* This section replaces § 21.78 (group activities).

*Ground blinds and tree stands (§ 21.120).* This is a new provision to be added to Chapter 21. It addresses the construction and use of tree stands and ground blinds. The section addresses two problems: 1) damage to trees and safety hazards resulting from the construction, placement, and use of tree stands and blinds and 2) the failure to remove stands and blinds from state forest land within a reasonable period of time after their placement.

The portability requirement for stands and blinds is consistent with the Game Commission's regulation applicable to game lands (58 Pa. Code § 135.41 (lands and buildings—state game lands)) and is intended to prevent damage to trees caused by the construction of permanent tree stands and blinds. Permanent stands and blinds are typically built of scrap lumber nailed to a tree. Nail wounds can increase a tree's vulnerability to disease and insects

and reduce tree value. Moreover, nails are hazardous to loggers, sawmill workers, and Department employees who could strike a nail while sawing.

The prohibition against damaging trees is intended to protect not only the tree where the stand or blind is situated, but also trees in the vicinity of that tree. In building or placing a tree stand or blind, hunters sometimes cut nearby trees and brush to create an unobstructed shooting lane. This practice can reduce timber value and damage wildlife habitat.

The time requirements for leaving stands and blinds on state forest land are intended to prevent a common practice of hunters leaving their stand or blind to “save their place” in an area of state forest land. The time requirements are also intended to discourage the abandonment of stands and blinds.

*Pets (§ 21.121).* This section replaces and revises § 21.73 (Pets). It applies to non-picnic areas (pets at picnic areas are covered in § 21.106(5)). In addition to requiring, as the current section does, that pets be “attended and under control of an individual,” it requires that pets do not behave in a manner “that may reasonably be expected to disturb or intimidate another person” or “that may cause damage to property or resources.”

*Other prohibitions (§ 21.122).* These are divided into activities that need written permission and activities that are prohibited absolutely. With a few exceptions, they are not new prohibitions though some have been re-worded.

Subsection (a) lists activities that require written permission:

- § 21.122(a)(1) replaces § 21.77 (commercial activity): The proposed provision prohibiting use of state forest land “in connection with or arising out of commercial activity” is intended to more effectively cover commercial activities that originate off state forest land but involve state forest land, such as a business located off state forest land that rents out ATVs for use on state forest land.
- § 21.122(a)(2) replaces § 21.31(4) (historical and archeological resources).
- § 21.122(a)(3) replaces § 21.67 (posting and soliciting).
- § 21.122(a)(4) replaces § 21.70a (snow plowing).
- § 21.122(a)(5) replaces § 21.79 (structures) and adds “altering” to the prohibition.
- § 21.122(a)(6) replaces the provision in § 21.79 prohibiting excavation activity.

Subsection (b) lists activities that are prohibited absolutely:

- § 21.122(b)(1) replaces § 21.68 (littering and disposal) and § 23.15 (picnic areas—trash and garbage disposal).
- § 21.122(b)(2) replaces § 21.66 (destruction of property).
- § 21.122(b)(3) replaces § 21.74 (1) and (3) (disorderly conduct) and § 23.24 (picnic areas—disorderly, indecent or obscene or lewd conduct). “Indecent exposure” is deleted as a prohibited activity because it can be prosecuted by DCNR rangers under § 3127 of the Crimes Code as a misdemeanor offense.
- § 21.122(b)(4) replaces § 21.24 (spark arrestors). It adds “chainsaws” to the list of items that must have spark arrestors.
- § 21.122(b)(5) replaces § 21.74(2) (disorderly conduct).



- § 21.122(b)(6) replaces § 21.75(a) (sanitation).
- § 21.122(b)(7) replaces § 21.75(b) (sanitation).
- § 21.122(b)(8) replaces the portion of § 21.25(a) (parking) that prohibits obstruction of access to gates, roads, etc. with items of personal property.
- § 21.122(b)(9) (failing to comply with a condition of a permit issued by the Department) is added to Chapter 21 as a new provision.

*Violation of rules regarding conduct in state forests (§ 21.123).* This section replaces § 21.3(b) (violations). It is pursuant to § 7506 of the Crimes Code (18 Pa.C.S. § 7506), which provides that violation of a Department regulation—other than traffic and parking violations—on Department property is a summary offense.

F. *Summary of Comments, Department's Response, and Amendments in the Final-form Rulemaking*

The Department published a notice of proposed rulemaking in the *Pennsylvania Bulletin* on September 6, 2014, for thirty days of public comment. No public comments were received by the Department. Similarly, no comments were received from the Senate or House Environmental Resources and Energy Committees.

On November 5, 2014, the Independent Regulatory Review Commission (IRRC) submitted comments on the proposed rulemaking to the Department. IRRC recommended that section 21.120(c) and section 21.121(c) be removed as duplicative of language contained in section 21.123 (Violation of rules regarding conduct in State forests). The Department agrees with this recommendation and has amended the final-form rulemaking by removing section 21.120(c) and section 21.121(c).

G. *Benefits, Costs and Compliance*

*Benefits*

By clarifying and updating the chapter, and consolidating it with the picnic area regulations, this rulemaking will improve the protection of state forest resources, the safety of visitors and the recreational opportunities of state forest visitors.

*Compliance Costs*

These amendments will not impose additional compliance costs on the regulated community.

*Compliance Assistance Plan*

Not applicable.

*Paperwork Requirements*

There will be no increase in the amount of required paperwork.

#### *H. Sunset Review*

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

#### *I. Regulatory Review*

Under § 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on **August 21, 2014** the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 5757 (September 6, 2014) and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment. No public comments or comments from the legislative committees were received. In preparing the final-form regulation, the Department considered the comments received from the Independent Regulatory Review Commission on November 5, 2014.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), this final-form regulation was (deemed) approved by the Senate Environmental Resources and Energy Committee on \_\_\_\_\_, 2015, and deemed approved by the House Environmental Resources and Energy Committee on \_\_\_\_\_, 2015. Under section 5.1(e) of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on \_\_\_\_\_, 2015 and approved the final-form regulations.

#### *J. Order of the Secretary*

Acting under the authorizing statutes, I hereby order that:

- (1) The regulations of the Department of Conservation and Natural Resources, 17 Pa. Code, are amended by amending Chapters 21 and 23 to read as set forth in Annex A.
- (2) The Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.
- (3) The Department shall submit this order and Annex A to the Independent Regulatory Review Commission and the Senate and House Environmental Resources and Energy Committees, as required by the Regulatory Review Act.
- (4) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.
- (5) This order shall take effect immediately.

BY:

CINDY ADAMS DUNN,  
Acting Secretary  
Department of Conservation  
and Natural Resources



## **Annex A**

### **TITLE 17. CONSERVATION AND NATURAL RESOURCES**

#### **PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

##### **Subpart C. STATE FORESTS**

##### **Chapter 21. GENERAL PROVISIONS**

Sec.

- 21.1-21.4 (Reserved).
- 21.11-21.13 (Reserved).
- 21.21-21.25 (Reserved).
- 21.31-21.34 (Reserved).
- 21.61-21.80 (Reserved).
- 21.101. Definitions.
- 21.102. Scope.
- 21.103. Trespass.
- 21.104. Closure.
- 21.105. Property left in a State forest.
- 21.106. Picnic areas.
- 21.107. Hunting, trapping and shooting.
- 21.108. Fishing.
- 21.109. Boating.
- 21.110. Traffic.
- 21.111. Parking.
- 21.112. Snowmobiles.
- 21.113. All-terrain vehicles.
- 21.114. Motorized off-road vehicles.
- 21.115. Natural resources.
- 21.116. Feeding wildlife.
- 21.117. Camping.
- 21.118. Fires.
- 21.119. Group activities.
- 21.120. Ground blinds and tree stands.
- 21.121. Pets.
- 21.122. Other prohibitions.
- 21.123. Violation of rules regarding conduct in State forests.

**§ 21.101. Definitions.**

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

*Act*—The Conservation and Natural Resources Act (71 P.S. §§ 1340.101-1340.1102).

*All-terrain vehicle*—As defined in section 7702 of the Vehicle Code (relating to definitions).

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

*Crimes Code*—Title 18 Pennsylvania Consolidated Statutes.

*Department*—

(i) The Department of Conservation and Natural Resources of the Commonwealth.

(ii) The term includes authorized officials of the Department.

*Fish and Boat Code*—Title 30 Pennsylvania Consolidated Statutes.

*Game and Wildlife Code*—Title 34 Pennsylvania Consolidated Statutes.

*Motor vehicle*—

(i) As defined in section 102 of the Vehicle Code.

(ii) The term does not include a snowmobile or all-terrain vehicle as defined in section 7702 of the Vehicle Code.

*Motorized off-road vehicle*—A motorized recreational vehicle designed for either off-road use or for both off-road and road use. The term does not include a snowmobile or all-terrain vehicle.

*Permission of the Department or permitted by the Department*—Approval obtained from the Department, including a district forester or designee.

*Person*—A corporation, company, club, firm, association, society, partnership, joint stock company, governmental agency or individual.

*Permit*—Written approval obtained from the Department, including a district forester or designee, on a form prescribed by the Department.

*Picnic area*—An area in a State forest designated by the Department as a State forest picnic area.

*Snowmobile*—As defined in section 7702 of the Vehicle Code.

*State forest*—An area under the jurisdiction of the Department acquired or administered as a State forest under section 302 of the Act (71 P.S. § 1340.302).

*Vehicle*—As defined in section 102 of the Vehicle Code.

*Vehicle Code*—Title 75 Pennsylvania Consolidated Statutes.

*Watercraft*—As defined in section 102 of the Fish and Boat Code (relating to definitions).

#### **§ 21.102. Scope.**

This chapter applies to State forests.

#### **§ 21.103. Trespass.**

(a) A person who violates this chapter or disregards instructions or warnings given by a State forest officer or Department-commissioned officer or interferes in the performance of the duties of a State forest officer or Department-commissioned officer may be ordered to leave a State forest.

(b) A person who refuses to leave a State forest after receiving an order to leave from a State forest officer or Department-commissioned officer commits an act of criminal trespass under section 3503(b) of the Crimes Code (relating to criminal trespass—defiant trespasser).

#### **§ 21.104. Closure.**

- (a) *Closings and restrictions.* Notwithstanding any other provision in this chapter, the Department may close a State forest, portion of a State forest, or State forest facility or may restrict it to certain uses or activities.
- (b) *Prohibited activities.* Notwithstanding any other provision in this chapter, the Department may prohibit certain uses or activities in a State forest, portion of a State forest or State forest facility.
- (c) *Informing the public.* The public will be informed of the closure, restriction or prohibition under section (a) or (b) by any form of communication, which may include this chapter or posting, or by fencing, barricade, gate or other structure or device manifestly designed to exclude the public.

(d) *Prohibitions.*

- (1) Entering, using or remaining in a State forest, area or facility that is not open to the public or that has been closed under this section is prohibited, unless permitted by the Department.
- (2) Using, or engaging in activities in, a State forest, area or facility in violation of a restriction or prohibition under subsection (a) or (b) is prohibited, unless permitted by the Department.

**§ 21.105. Property left in a State forest.**

- (a) Leaving personal property in a State forest for more than 24 hours without written permission of the Department is prohibited, unless permitted under § 21.120 (ground blinds and tree stands).
- (b) The following personal property may be moved or removed by the Department, placed in storage, and be subject to disposal in accordance with law:
  - (1) Personal property that has been left in a State forest for more than 24 hours without written permission of the Department as required in (a);
  - (2) Personal property that impedes public access or navigation;
  - (3) Vehicles or other personal property parked in violation of § 21.111 (relating to parking).
- (c) Personal property that is in storage under this section will be released from storage only upon adequate proof of ownership and payment of charges established under § 21.124 (relating to fees).

**§ 21.106. Picnic areas.**

The following provisions apply to picnic areas:

- (1) Picnic areas are open to the public between sunrise and sunset.
- (2) Entering a picnic area when it is not open to the public under paragraph (1) is permitted for the purpose of fishing or gaining access to another area of State forest land that is open for public use.



- (3) Except as provided in paragraph (2) or except with written permission of the Department, entering, using or remaining in a picnic area when it is not open to the public under paragraph (1) is prohibited.
- (4) Possessing or consuming alcoholic beverages is prohibited.
- (5) An owner, keeper or handler of a pet may have the pet in a picnic area only under the following conditions, a violation of which is prohibited:
  - (i) The pet is on a leash with a maximum length of six feet.
  - (ii) The pet is attended and under physical control of an individual.
  - (iii) The pet does not behave in a manner that may reasonably be expected to disturb or intimidate another person.
  - (iv) The pet does not behave in a manner that may cause damage to property or resources.
  - (v) The pet's droppings are disposed of in trash receptacles or outside the State forest.
- (6) Removing facilities, including picnic tables, fire rings, and containers for disposal of waste or charcoal is prohibited.
- (7) Hunting, trapping and using a device that is capable of discharging or propelling a projectile is prohibited.

**§ 21.107. Hunting, trapping and shooting.**

- (a) Hunting and trapping are permitted unless otherwise posted.
- (b) Hunting and trapping shall be in accordance with the Game and Wildlife Code and regulations.
- (c) Using a device that is capable of discharging or propelling a projectile is prohibited except in accordance with the Game and Wildlife Code and except for target shooting at a location authorized by the Department.
- (d) This section applies to State forest land other than picnic areas.

**§ 21.108. Fishing.**

- (a) Fishing is permitted unless otherwise posted.
- (b) Fishing shall be in accordance with the Fish and Boat Code and regulations.

**§ 21.109. Boating.**

- (a) Watercraft may be operated on all State forest waters unless posted as closed.
- (b) Boating shall be in accordance with the Fish and Boat Code and regulations.
- (c) The use of any motor type other than electric motor for propulsion of motorized watercraft is prohibited.
- (d) *Mooring.*
  - (1) Mooring watercraft at any location without possession of a valid watercraft mooring permit issued by the Department for that location is prohibited.
  - (2) A decal issued by the Department evidencing issuance of the permit shall be affixed aft of amidship on the starboard (right) side of the watercraft.
  - (3) The Department will establish a schedule of fees for mooring permits, and this schedule, and any subsequent revisions, will be effective upon publication in the *Pennsylvania Bulletin*.
- (e) *Launching.*
  - (1) Subject to paragraph (2), watercraft may be launched or removed at any location except where prohibited by posting.
  - (2) Watercraft launched from trailers may be launched and removed only at designated launching areas.
  - (3) Launching watercraft without one of the following is prohibited:
    - (i) A valid watercraft launching or mooring permit issued by the Department. If a decal evidencing the issuance of a permit has been provided by the Department, the decal shall be affixed to the watercraft aft of amidship on the starboard (right) side. If another form of evidence of the issuance of a permit has been provided by the Department

in lieu of a decal, this evidence shall be carried on the watercraft.

- (ii) A valid registration number and validation decal, or a valid use permit, issued and displayed in accordance with 58 Pa. Code Part II (relating to Fish and Boat Commission).
- (4) The Department will establish a schedule of fees for launching permits, and this schedule, and any subsequent revisions, will be effective upon publication in the *Pennsylvania Bulletin*.
- (f) *Docks.* Maintaining a dock at any location without possession of a valid dock permit issued by the Department for that location is prohibited. A dock tag evidencing issuance of a permit shall be securely attached to the offshore end of the dock. The Department will establish a schedule of fees for dock permits, and this schedule, and any subsequent revisions, will be effective upon publication in the *Pennsylvania Bulletin*.

**§ 21.110. Traffic.**

- (a) Operating a vehicle or a motor vehicle is permitted in accordance with this section.
- (b) The following are prohibited:
  - (1) Operating a vehicle in a manner that is reckless or negligent or that creates a nuisance or excessive noise, or in careless disregard for the safety of persons or property.
  - (2) Operating a motor vehicle in excess of the posted speed limit or, where no speed limit is posted, in excess of 25 miles per hour.
  - (3) Operating a motor vehicle on roads, trails or other areas posted as closed to motor vehicles unless permitted in writing by the Department.
  - (4) The use of State forest roads, trails or other areas in connection with or arising out of commercial activity without written permission of the Department. However, occasional deliveries to residents of property adjoining a State forest are permitted.
  - (5) Operating an unregistered, uninspected, or uninsured motor vehicle.
  - (6) Operating a motor vehicle without a valid driver's license.

- (c) *Violations.* A violation of this section constitutes a summary offense under section 7505 of the Crimes Code (relating to violation of governmental rules regarding traffic).

**§ 21.111. Parking.**

- (a) The following are prohibited:

- (1) Parking a vehicle in an area designated by the Department for persons with a disability unless one of the following requirements is met:
  - (i) The Department has given written permission.
  - (ii) A valid plate or valid placard has been issued to a user of the vehicle under section 1338 or section 1342(a) or (b) of the Vehicle Code (relating to person with disability plate and placard; and veteran plates and placard). A valid plate or valid placard for a person with a disability issued by a non-Commonwealth of Pennsylvania jurisdiction is deemed to be in compliance with the plate and placard requirements of this subparagraph. Placards shall be displayed in the manner required by section 1338(b) or 1342(b) of the Vehicle Code.
- (2) Parking a vehicle as follows without written permission of the Department:
  - (i) In a location that obstructs a gate, road, trail, access way, drinking fountain, entrance, exit or road turnaround.
  - (ii) In an area that is posted as closed.
  - (iii) When the State forest is closed under § 21.104 (closure).

- (b) *Violations.*

- (1) *Summary offense.* A violation of this section constitutes a summary offense under section 7505 of the Crimes Code (relating to violation of governmental rules regarding traffic).
- (2) *Parking tickets.*
  - (i) For a violation of (a) or of a parking provision of the Vehicle Code, the Department may issue a parking ticket, as provided for in 234 Pa. Code Rule 401 (relating to

means of instituting proceedings in summary cases charging parking violations), which will be handed to the violator or placed on the windshield of the violator's vehicle.

(ii) If the Department has issued a parking ticket, it will file a citation if the violator fails to pay a charge to the Department in the amount provided in (A), (B) or (C) within 5 days of the violation and in the manner specified on the ticket.

(A) For violations of (a), the charge will be in the amount of the maximum fine as provided in section 7505 of the Crimes Code.

(B) For violations of a parking provision of the Vehicle Code other than section 3354(d)(3) or (e) (relating to additional parking regulations), the charge will be in the amount of the maximum fine as provided in the Vehicle Code.

(C) For violations of section 3354(d)(3) or (e) of the Vehicle Code, the charge will be in the amount of the minimum fine required under section 3354(f) of the Vehicle Code.

(iii) If the Department has not issued a parking ticket, it may issue a citation as provided for in 234 Pa. Code Rule 401.

**§ 21.112. Snowmobiles.**

(a) Operating a snowmobile is permitted in accordance with this section.

(b) Operating a snowmobile in violation of Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles) is prohibited.

(c) The following are prohibited except with written permission of the Department:

(1) Operating a snowmobile on a road, trail or area that has not been posted as open for snowmobiles.

(2) Operating a snowmobile outside of the following period: from the day following the last day of regular or extended rifle deer season as established by the Game Commission through the following April 1, unless the District Forester designates an earlier date that is prior to April 1.

- (3) Operating or riding on a snowmobile without wearing a securely fastened helmet which meets the specifications established for motorcycle helmets in 67 Pa. Code Chapter 107 (relating to motorcycle helmets).

**§ 21.113. All-terrain vehicles.**

- (a) Operating an all-terrain vehicle is permitted in accordance with this section.
- (b) Operating an all-terrain vehicle in violation of Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles) is prohibited.
- (c) The following are prohibited except with written permission of the Department:
  - (1) Operating an all-terrain vehicle on a road, trail or area that has not been posted as open for all-terrain vehicles.
  - (2) Operating an all-terrain vehicle outside of the following period: from the Friday before Memorial Day through the last full weeked in September and from the day following the last day of regular or extended rifle deer season as established by the Game Commission through the following April 1.
  - (3) Operating or riding on an all-terrain vehicle without wearing a securely fastened helmet which meets the specifications established for motorcycle helmets in 67 Pa. Code Chapter 107 (relating to motorcycle helmets).

**§ 21.114. Motorized off-road vehicles**

- (a) Operating a motorized off-road vehicle is permitted in accordance with this section.
- (b) The following are prohibited except with written permission of the Department:
  - (1) Operating a motorized off-road vehicle on a road, trail or area that has not been posted as open for motorized off-road vehicles.
  - (2) Operating a motorized off-road vehicle on a road, trail or area that has not been posted as open outside of the following periods:

- (i) From the Friday before Memorial Day through the last full weekend in September;
- (ii) From the day following the last day of the regular or extended rifle deer season as established by the Game Commission through the following April 1.
- (3) Operating or riding a motorized off-road vehicle without wearing a securely fastened helmet which meets the specifications established for motorcycle helmets in 67 Pa. Code Chapter 107 (relating to motorcycle helmets).

**§ 21.115. Natural resources.**

- (a) The following activities are prohibited without written permission of the Department:
  - (1) Cutting, picking, digging, damaging or removing, in whole or in part, a living or dead plant, vine, shrub, tree or flower, including fungus, lichen, and moss, except as permitted in subsection (b) and § 21.120 (ground blinds and tree stands).
  - (2) Removing rocks, shale, sand, clay, soil or other mineral products.
  - (3) Removing peat, bark, mulch, pine straw or other natural resources.
  - (4) Planting a tree, shrub, or plant.
  - (5) Releasing an animal that was brought into a State forest.
- (b) The following activities are permitted:
  - (1) Gathering edible wild plants or plant parts for one's own personal or family consumption, unless the plant is listed in Chapter 45 (relating to conservation of Pennsylvania native wild plants) as threatened, endangered, rare or vulnerable.
  - (2) Gathering dead and down wood for building fires on State forest land as permitted in § 21.118 (relating to fires).

**§ 21.116 Feeding wildlife.**

- (a) Except as provided in (b), feeding wildlife or laying or placing any food, fruit, hay, grain, chemical, salt or other minerals is prohibited without written permission of the Department.

- (b) Placing of elevated songbird feeders of less than one-half bushel capacity is permitted.

**§ 21.117. Camping.**

- (a) *Primitive camping.* Primitive camping without a permit is prohibited if the camper stays more than one night at a campsite. Primitive camping is overnight camping where a motor vehicle is not used for storage or transportation during the camping experience. Primitive camping does not include water trail camping.
- (b) *Motorized camping.* Motorized camping without a permit is prohibited. Motorized camping is overnight camping in or near a vehicle where the vehicle is used for storage or transportation during the camping experience.
- (c) *Group camping.* Group camping without written permission of the Department is prohibited. Group camping is primitive or motorized camping by a group consisting of more than 10 persons.
- (d) *Water trail camping.* Water trail camping is allowed without a permit but is limited to two nights at a site. Water trail camping is overnight camping at sites designated for water trail camping along designated water trails.

**§ 21.118. Fires.**

- (a) Fires are prohibited except in accordance with this section.
- (b) *Gas grills; camp stoves.* Fires are permitted in gas grills and camp stoves when these appliances are used as designed.
- (c) *Charcoal fires.* Charcoal fires are permitted in appliances designed for them. Disposing of hot charcoal, except in a facility designed for charcoal disposal, is prohibited.
- (d) *Fire rings.* Subject to subsection (d), fires are permitted in fire rings that are either provided by the Department or, if not provided by the Department, do not exceed two feet in diameter and are constructed of non-combustible material.
- (e) *Fireplaces.* Subject to subsection (d), fires are permitted in fireplaces provided by the Department.
- (f) *Forest-fire danger.* Fires in fire rings and fireplaces are prohibited at the following times unless permitted by the Department:



- (1) When the forest-fire danger is determined by the Department to be high, very high or extreme.
  - (i) The Department will notify the public of these danger ratings by means of any of the following: the Department's website, signs, news releases, fire wardens and volunteer fire departments.
  - (ii) The public may contact the district forester to obtain forest-fire danger ratings.
- (2) From March 1 through May 25.
- (g) Failure to attend a fire at all times is prohibited.
- (h) Leaving a fire that has not been completely extinguished is prohibited.
- (i) *Liability.* A person who has caused a wildfire, in addition to possible criminal penalty, is liable for all damages, costs of extinction and fines.

**§ 21.119. Group activities.**

- (a) Participating in a group that engages in any of the following types of activity is prohibited without written permission of the Department:
  - (1) An activity that the Department determines requires a large land area or unique land formation;
  - (2) An activity that the Department determines may impact or conflict with normal or traditional visitor uses or experiences on State forest land;
  - (3) An activity that the Department determines may have a greater than normal impact on natural resources or the environment.
- (b) This section does not apply to group hunting that is in compliance with Pennsylvania Game Commission regulations at 58 Pa. Code §§ 141.22 (relating to small game) and 141.42 (relating to big game animal hunting roster).

**§ 21.120. Ground blinds and tree stands.**

- (a) Ground blinds and tree stands may be placed, used, and occupied subject to the following requirements:
  - (1) They must be portable;

- (2) Their placement, use, or occupation must not cause damage to a tree;
  - (3) They may not be left overnight except as follows:
    - (i) They may be left for any length of time within the period beginning two weeks prior to the first deer season and ending two weeks after the close of the last deer season;
    - (ii) Ground blinds may be left for any length of time during the spring turkey season and the water fowl season.
    - (iii) They may be left overnight outside of the periods in subparagraphs (i) and (ii) with written permission of the Department.
  - (4) Ground blinds must be constructed in accordance with the requirements for turkey blinds under the Game and Wildlife Code.
- (b) Notwithstanding any other provision in this chapter, ground blinds or tree stands that do not comply with the requirements of this section and any accompanying personal property, may be removed, stored, or disposed of by the Department.
- (c) This section applies to State forest land other than picnic areas.

**§ 21.121. Pets.**

- (a) An owner, keeper or handler of a pet may have the pet in a State forest only under the following conditions:
- (1) It is attended and under control of an individual;
  - (2) It does not behave in a manner that may reasonably be expected to disturb or intimidate another person;
  - (3) It does not behave in a manner that may cause damage to property or resources.
- (b) This section applies to State forest land other than picnic areas.

**§ 21.122. Other prohibitions.**

- (a) The following activities are prohibited without written permission of the Department:
  - (1) Using State forest land in connection with or arising out of commercial activity.
  - (2) Removing or disturbing historical or archeological resources.
  - (3) Posting signs or soliciting.
  - (4) Plowing or removing snow.
  - (5) Constructing, altering or removing a structure or any other improvement. This provision does not apply to ground blinds and tree stands under § 21.119 (ground blinds and tree stands).
  - (6) Excavating.
- (b) The following activities are prohibited:
  - (1) Littering or disposing of trash, garbage, paper, refuse, waste, pollutants or other materials, except that any such materials that have been accumulated during a visit to a State forest may be placed in receptacles or facilities provided by the Department for this purpose.
  - (2) Damaging or defacing any sign, structure, equipment or other material.
  - (3) Disorderly conduct, including fighting; threatening; engaging in violent or tumultuous behavior; making unreasonable noise; using obscene language; making an obscene gesture; or creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
  - (4) Operating a chainsaw, snowmobile, all-terrain vehicle, or motorized off-road vehicle without a fully functioning spark arrestor.
  - (5) Possessing or consuming alcoholic beverages by persons under 21 years of age.
  - (6) Washing in water outlets, springs, lakes or waterways.
  - (7) Discharging trailer, camper or motor home sewage, sink water or bath water except in receptacles or facilities provided by the

Department for this purpose and in accordance with any posted instructions.

- (8) Placing or leaving personal property where it obstructs or impedes access to a gate, road, trail, path, access way, drinking fountain, entrance, exit, road turnaround, vehicle parking area or other facility.
- (9) Failing to comply with a condition of a permit issued by the Department.

**§ 21.123. Violation of rules regarding conduct in State forests.**

Engaging in activity prohibited under any of the following sections constitutes a summary offense under section 7506 of the Crimes Code (relating to violation of rules regarding conduct on Commonwealth property): §§ 21.104—21.109 and §§ 21.112—21.122.

**Chapter 23. STATE FOREST PICNIC AREAS**

Sec.

**23.1-23.24. (Reserved).**

**23.41-23.47 (Reserved).**

JOHN F. MIZNER, ESQ., CHAIRMAN  
GEORGE D. BEDWICK, VICE CHAIRMAN  
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**INDEPENDENT REGULATORY REVIEW COMMISSION**

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

November 5, 2014

Honorable Ellen Ferretti, Secretary  
Department of Conservation and Natural Resources  
400 Market Street, 7th Floor  
Rachel Carson State Office Building  
Harrisburg, PA 17105

Re: Regulation #7B-7 (IRRC #3072)  
Department of Conservation and Natural Resources  
State Forest Picnic Areas

Dear Secretary Ferretti:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

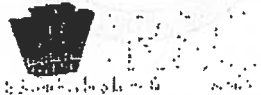
The comments will be available on our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If you would like to discuss them, please contact me.

Very truly yours,

David Sumner  
Executive Director  
sfh

Enclosure

cc: Honorable Gene Yaw, Majority Chairman, Senate Environmental Resources and Energy Committee  
Honorable John T. Yudichak, Minority Chairman, Senate Environmental Resources and Energy Committee  
Honorable Ron Miller, Majority Chairman, House Environmental Resources and Energy Committee  
Honorable Greg S. Vitali, Minority Chairman, House Environmental Resources and Energy Committee  
Robert A. Mulle, Esq., Office of Attorney General  
Shawn E. Smith, Esq., Office of General Counsel

**Comments of the Independent Regulatory Review Commission****Department of Conservation and Natural Resources Regulation #7B-7  
(IRRC #3072)****State Forest Picnic Areas****November 5, 2014**

We submit for your consideration the following comments on the proposed rulemaking published in the September 6, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Conservation and Natural Resources to respond to all comments received from us or any other source.

**Section 21.120. Ground blinds and tree stands. – Clarity; Need.**

Subsection (c) contains the following sentence "Violation of this section is prohibited." We question the need for this language given that prohibited activity is addressed in Section 21.123 (Violation of rules regarding conduct in State forests). We recommend that subsection (c) be deleted. The same concern applies to Section 21.121 (c).

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

**I.D. NUMBER:** 7B-7

**SUBJECT:** STATE FORESTS – GENERAL PROVISIONS; STATE FOREST PICNIC  
AREAS

**AGENCY:** DEPARTMENT OF CONSERVATION & NATURAL RESOURCES

**TYPE OF REGULATION**

Proposed Regulation

X 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

Delivery of Tolled Regulation

a. With Revisions

b.

Without Revisions

2015 MAY 15 PM 4:02

RECEIVED  
IRRC

**FILING OF REGULATION**

DATE

SIGNATURE

DESIGNATION

*HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES &  
ENERGY*

5/15/15 *Shelly Weaver*

MAJORITY CHAIR John Maher

MINORITY CHAIR Greg Vitali

*SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES &  
ENERGY*

MAJORITY CHAIR Gene Yaw

MINORITY CHAIR John Yudichak

5/15/15 *Rita Zelmas*

5/15/15 *[Signature]*

5/15/15 *K Cooper*

*INDEPENDENT REGULATORY REVIEW COMMISSION*

*ATTORNEY GENERAL (for Final Omitted only)*

*LEGISLATIVE REFERENCE BUREAU (for Proposed only)*

May 1, 2015

