

# PROPOSED RULEMAKING

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[ 17 PA. CODE CHS. 21 AND 23 ]

### State Forest Picnic Areas

The Department of Conservation and Natural Resources (Department), Bureau of Forestry proposes to amend Chapter 21 (relating to general provisions) and rescind Chapter 23 (relating to State forest picnic areas). Chapters 21 and 23 are proposed to be consolidated into Chapter 21.

#### A. *Effective Date*

This proposed rulemaking will take effect upon final 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 (800) 654-5984 (TTY). This proposed rulemaking is posted on the Department's web site at [www.dcnr.state.pa.us](http://www.dcnr.state.pa.us).

#### C. *Statutory Authority*

This proposed rulemaking is made under the authority of sections 302, 313 and 502 of the Conservation and Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502) and 18 Pa.C.S. §§ 7505 and 7506 (relating to violation of governmental rules regarding traffic; and violation of rules regarding conduct on Commonwealth property).

#### D. *Background and Purpose*

Chapter 21 applies to State forest land, including picnic areas. Chapter 23 applies solely to picnic areas. There are several redundancies and inconsistencies between the two chapters. Because there is not a particular benefit to maintaining these regulations in two chapters, this proposed rulemaking consolidates the general State forest rules and the State forest picnic area rules into Chapter 21.

Chapters 21 and 23 were last revised in 1998 and 2003, respectively. In addition to consolidating the two chapters, the purpose of this proposed rulemaking is to reorganize, update and clarify State forest regulations. A new provision on ground blinds and tree stands is added.

Because this proposed rulemaking consolidates Chapter 23 into Chapter 21 and reorganizes Chapter 21, the regulations currently in Chapter 21 are proposed to be deleted and replaced by new sections.

#### E. *Summary of regulatory requirements*

##### § 21.101. *Definitions*

Proposed § 21.101 (relating to definitions) replaces § 21.1 (relating to definitions). Definitions of “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,” “permit,” “person,” “picnic area,” “snowmobile,” “State forest,” “vehicle,” “Vehicle Code” and “watercraft” are proposed to be added.

The definition of “camping” in § 21.1 is not included in proposed § 21.101 because § 21.117 (relating to camping) defines the three types of camping. Therefore, a generic definition of “camping” is not needed.

The definition of “District Forester” in § 21.1 is not included in proposed § 21.101 because the proposed definition of “Department” includes authorized officials of the Department.

The definition of “group activity” in § 21.1 is not included in proposed § 21.101 because proposed § 21.119 (relating to group activities) describes the type of activity that requires authorization. Therefore, a definition is not needed.

##### § 21.102. *Scope*

Proposed § 21.102 (relating to scope) replaces § 21.2 (relating to scope).

##### § 21.103. *Trespass*

Proposed § 21.103 (relating to trespass) replaces § 21.80 (relating to trespass). A reference to a “Department-commissioned officer” is proposed to be included.

##### § 21.104. *Closure*

Proposed § 21.104 (relating to closure) replaces §§ 21.4 and 21.72 (relating to closure; and closure because of fire danger). A provision under which the Department may prohibit certain uses or activities is proposed to be added.

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

Proposed § 21.105 (relating to property left in a State forest) 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 § 11.206 (relating to property left in a State park), but adds a prohibition against leaving property for more than 24 hours.

##### § 21.106. *Picnic areas*

Proposed § 21.106 (relating to picnic areas) contains provisions currently in Chapter 23 that apply only to picnic areas. It replaces §§ 23.11, 23.14, 23.17, 23.20 and 23.23.

Sections 23.1—23.3, 23.12, 23.15, 23.16, 23.22 and 23.24 are proposed to be renumbered and added into Chapter 21 and made applicable to State forest land generally.

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

Proposed § 21.107 (relating to hunting, trapping and shooting) replaces §§ 21.63 and 21.65 (relating to hunting and trapping; and target shooting).

##### § 21.108. *Fishing*

Proposed § 21.108 (relating to fishing) replaces § 21.64 (relating to fishing).

##### § 21.109. *Boating*

Proposed § 21.109 (relating to boating) replaces §§ 21.11 and 21.12 (relating to use; and mooring and launching). A provision on docks is proposed to be added.

This section also clarifies that launching is permitted with either a Department permit or a Fish and Boat Commission registration.

§ 21.110. *Traffic*

Proposed § 21.110 (relating to traffic) replaces §§ 21.3(a) and 21.21 (relating to violations; and motor vehicles). Section 21.110(b) is under 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.

§ 21.111. *Parking*

Proposed § 21.111 (relating to parking) replaces § 21.3(a) and § 21.25 (relating to parking). Subsection (a)(2) prohibits parking in locations that obstruct a gate, road, and the like, and in locations posted as closed under § 21.104.

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 under 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 75 Pa.C.S. (relating to Vehicle Code). This is an expansion of § 21.25, which allows for parking tickets only for violations of Chapter 21.

§ 21.112. *Snowmobiles*

Proposed § 21.112 (relating to snowmobiles) replaces § 21.22 (relating to 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 in § 51.93 (relating to helmet requirements).

§ 21.113. *All-terrain vehicles*

Proposed § 21.113 (relating to all-terrain vehicles) replaces § 21.23a (relating to 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 in § 51.93.

§ 21.114. *Motorized off-road vehicles*

Proposed § 21.114 (relating to motorized off-road vehicles) replaces § 21.23 (relating to trail bikes and other motorized off-road vehicles). It 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 all-terrain vehicle season, for the purposes of reducing user group conflict during hunting seasons in this Commonwealth (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.

§ 21.115. *Natural resources*

Proposed § 21.115 (relating to natural resources) replaces § 21.31 (relating to prohibitions). It removes from Chapter 21 several provisions that more appropriately belong in permits, rather than in regulations. See §§ 21.32—21.34 (relating to designated trees; cutting practices; and removal). However, compliance with permit conditions may still be enforced by citing § 21.122 (relating to other prohibitions), which prohibits the failure to comply with a condition of a permit.

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

The prohibition against removal of sawdust is not included in proposed § 21.115(a)(3) because loggers no longer saw lumber at timbering sites.

Pine straw is added to the list of forest products in subsection (a)(3) that may not be removed without written permission of the Department. 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.

Proposed subsection (a)(5) adds a prohibition against releasing an animal that was brought into a State forest.

Current § 21.31, which prohibits cutting, picking, digging, damaging or removing plants, allows an exception for edible wild plants for personal or family consumption. Proposed § 21.115(b)(1) retains this exception but states that the exception does not apply to plants listed in Chapter 45 (relating to conservation of Pennsylvania native wild plants) as threatened, endangered, rare or vulnerable.

§ 21.116. *Feeding wildlife*

Proposed § 21.116 (relating to feeding wildlife) replaces § 21.76 (relating to feeding of wildlife), which allows for about 1 1/2 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, elk or other wildlife can promote the spread of diseases, such as Chronic Wasting Disease.

§ 21.117. *Camping*

Proposed § 21.117 replaces § 21.61 (relating to 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.

§ 21.118. *Fires*

Proposed § 21.118 (relating to fires) replaces §§ 21.62 and 23.16 (relating to open fires; and fires). This proposed section clarifies the fire provisions and makes them less subjective. It does not establish a fall fire season, thereby allowing the Department to declare it annually based on conditions existing in that year.

§ 21.119. *Group activities*

Proposed § 21.119 replaces § 21.78 (relating to group activities).

§ 21.120. *Ground blinds and tree stands*

Proposed § 21.120 (relating to ground blinds and tree stands) addresses the construction and use of tree stands and ground blinds. This 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 placement.

The portability requirement for stands and blinds is consistent with the Game Commission's regulation applicable to game lands in 58 Pa. Code § 135.41 (relating to 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 stands or blinds 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.

§ 21.121. *Pets*

Proposed § 21.121 (relating to pets) replaces and revises § 21.73 (relating to pets). It applies to nonpicnic areas (pets at picnic areas are covered in § 21.106(5)). In addition to requiring that pets be "attended and under control of an individual," as stated in the current section, 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."

§ 21.122. *Other prohibitions*

Proposed § 21.122 is 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 reworded.

Subsection (a) lists activities that require written permission.

Subsection (a)(1) replaces § 21.77 (relating to 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 all-terrain vehicles for use on State forest land.

Subsection (a)(2) replaces § 21.31(4), regarding historical and archeological resources.

Subsection (a)(3) replaces § 21.67 (relating to posting and soliciting).

Subsection (a)(4) replaces § 21.70a (relating to snow plowing).

Subsection (a)(5) replaces § 21.79 (relating to structures) and adds "altering" to the prohibition.

Subsection (a)(6) replaces the provision in § 21.79 prohibiting excavation activity.

Subsection (b) lists activities that are prohibited absolutely.

Subsection (b)(1) replaces §§ 21.68 and 23.15 (relating to littering and disposal; and trash and garbage disposal).

Subsection (b)(2) replaces § 21.66 (relating to destruction of property).

Subsection (b)(3) replaces §§ 21.74(1) and (3) and 23.24 (relating to disorderly conduct; and disorderly, indecent or obscene or lewd conduct). "Indecent exposure" is deleted as a prohibited activity because it can be prosecuted by Department rangers under 18 Pa.C.S. § 3127 (relating to indecent exposure) as a misdemeanor offense.

Subsection (b)(4) replaces § 21.24 (relating to spark arrestors). Chainsaws are proposed to be added to the list of items that must have spark arrestors.

Subsection (b)(5) replaces § 21.74(2).

Subsection (b)(6) replaces § 21.75(a) (relating to sanitation).

Subsection (b)(7) replaces § 21.75(b).

Subsection (b)(8) replaces the portion of § 21.25(a) that prohibits obstruction of access to gates, roads, and the like, with items of personal property.

Subsection (b)(9), regarding failing to comply with a condition of a permit issued by the Department, is a new provision.

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

Proposed § 21.123 (relating to violation of rules regarding conduct in State forests) replaces § 21.3(b). It is under 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. *Benefits, Costs and Compliance*

*Benefits*

By clarifying and updating Chapter 21 and consolidating it with Chapter 23, this proposed rulemaking will improve the protection of State forest resources, the safety of visitors and the recreational opportunities of State forest visitors.

*Compliance costs*

There are no compliance costs.

*Compliance Assistance Plan*

The Compliance Assistance Plan is not applicable.



*Paperwork requirements*

There will not be an increase in the amount of required paperwork.

*G. 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.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 21, 2014, the Department submitted a copy of this proposed rulemaking 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. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*I. Public Comments*

Interested persons are invited to submit comments regarding this proposed rulemaking to Matt Beaver, Chief, Operations and Recreation Division, Bureau of Forestry, Department of Conservation and Natural Resources, P. O. Box 8552, Harrisburg, PA 17105-8552 (express mail or hand delivery to Rachel Carson State Office Building, 6th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments may be e-mailed to [forestrecreation@pa.gov](mailto:forestrecreation@pa.gov) with "Chapters 21 & 23 proposed rulemaking" in the subject line. A return name and United States Postal Service mailing address must be included in each transmission. Comments submitted by facsimile will not be accepted. Comments must be received by the Department within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

ELLEN FERRETTI,  
*Secretary*

**Fiscal Note:** 7B-7. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 17. CONSERVATION AND NATURAL RESOURCES****PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES****Subpart C. STATE FORESTS****CHAPTER 21. GENERAL PROVISIONS**

*(Editor's Note:* As part of this proposed rulemaking, the Department is proposing to rescind §§ 21.1—21.4, 21.11—21.13, 21.21—21.23, 21.23a, 21.24, 21.25, 21.31—21.34, 21.61—21.68, 21.70a and 21.72—21.80, which appear in 17 Pa. Code pages 21-2—21-13, serial pages (294800), (250553), (250554), (294801)—(294804), (294901), (294902) and (250561)—(250563).)

§§ 21.1—21.4. (Reserved).

§§ 21.11—21.13. (Reserved).

§§ 21.21—21.23. (Reserved).

§ 21.23a. (Reserved).

§ 21.24. (Reserved).

§ 21.25. (Reserved).

§§ 21.31—21.34. (Reserved).

§§ 21.61—21.68. (Reserved).

§ 21.70a. (Reserved).

§§ 21.72—21.80. (Reserved).

*(Editor's Note:* Sections 21.101—21.123 are new and printed in regular type to enhance readability.)

**§ 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—1340.1103).

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

*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.

*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) The term as defined in section 102 of the Vehicle Code (relating to definitions).

(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*—

(i) A motorized recreational vehicle designed for either off-road use or for both off-road and road use.

(ii) 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.

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

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

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

*Snowmobile*—The term 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*—The term as defined in section 102 of the Vehicle Code.

*Vehicle Code*—Title 75 *Pennsylvania Consolidated Statutes*.

*Watercraft*—The term 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).

#### § 21.104. Closure.

(a) *Closings and restrictions.* 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.* 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 subsection (a) or (b) by any form of communication, including 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 (relating to ground blinds and tree stands).

(b) The following personal property may be moved or removed by the Department, placed in storage and is 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 subsection (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, if appropriate, payment of a reasonable storage fee.

#### § 21.106. Picnic areas.

(a) Picnic areas are open to the public between sunrise and sunset.

(b) Entering a picnic area when it is not open to the public under subsection (a) is permitted for the purpose of fishing or gaining access to another area of State forest land that is open for public use.

(c) Except as provided in subsection (b) or with written permission of the Department, entering, using or remaining in a picnic area when it is not open to the public under subsection (a) is prohibited.

(d) Possessing or consuming alcoholic beverages is prohibited.

(e) 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:

(1) The pet is on a leash with a maximum length of 6 feet.

(2) The pet is attended and under physical control of an individual.

(3) The pet does not behave in a manner that may reasonably be expected to disturb or intimidate another person.

(4) The pet does not behave in a manner that may cause damage to property or resources.

(5) The pet's droppings are disposed of in trash receptacles or outside the State forest.

(f) Removing facilities, including picnic tables, fire rings and containers for disposal of waste or charcoal, is prohibited.

(g) 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 58 Pa. Code Part III (relating to Game Commission).

(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 58 Pa. Code Part II (relating to Fish and Boat Commission).

#### § 21.109. Boating.

(a) *Operation.* Watercraft may be operated on State forest waters unless posted as closed.

(b) *Statutes and regulations.* Boating shall be in accordance with the Fish and Boat Code and 58 Pa. Code Part II (relating to Fish and Boat Commission).

(c) *Prohibition.* The use of a motor type other than electric motor for propulsion of motorized watercraft is prohibited.

(d) *Mooring.*

(1) Mooring watercraft at a 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. The schedule and 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 instead 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.

(4) The Department will establish a schedule of fees for launching permits. The schedule and 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. The schedule and 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 any of the following:

(i) Reckless or negligent.

(ii) Creates a nuisance or excessive noise.

(iii) Demonstrates careless disregard for the safety of persons or property.

(2) Operating a motor vehicle in excess of the posted speed limit or, where a speed limit is not 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) Using State forest roads, trails or other areas in connection with or arising out of commercial activity without written permission of the Department. 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) 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) *Prohibitions.* 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 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 jurisdiction outside of this Commonwealth is deemed to be in compliance with the plate and placard requirements of this subparagraph. Placards shall be displayed in the manner required under 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 (relating to 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 subsection (a) or 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, the Department will file a citation if the violator fails to pay a charge to the Department in the amount provided in this subparagraph within 5 days of the violation and in the manner specified on the ticket.

(A) For violations of subsection (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) of the Vehicle Code (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, the Department 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 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 period from the Friday before Memorial Day through the last full weekend 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 (relating to 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 an individual's 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 subsection (b), feeding wildlife or laying or placing 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 1/2 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 when 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 when 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 ten 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) *Prohibition.* Fires are prohibited except in accordance with this section.

(b) *Gas grills and 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.* Fires are permitted in fire rings that are either provided by the Department or, if not provided by the Department, do not exceed 2 feet in diameter. Fire rings must be constructed of noncombustible 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 the Department's web site, signs, news releases, fire wardens or 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) *Attending a fire.* Failure to attend a fire at all times is prohibited.

(h) *Extinguishing a fire.* 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 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 58 Pa. Code §§ 141.22 and 141.42 (relating to small game; and 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 may 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 2 weeks prior to the first deer season and ending 2 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) Ground blinds or tree stands that do not comply with this section and accompanying personal property may be removed, stored or disposed of by the Department.

(c) Violation of this section is prohibited.

(d) 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.

(c) Violation of this section is prohibited.

**§ 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 other improvement. This paragraph does not apply to ground blinds and tree stands under § 21.120 (relating to 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 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 any of the following:

(i) Fighting.

(ii) Threatening.

(iii) Engaging in violent or tumultuous behavior.

(iv) Making unreasonable noise.



- (v) Using obscene language.
- (vi) Making an obscene gesture.
- (vii) Creating a hazardous or physically offensive condition by any act which does not serve a 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 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 turn-around, 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 §§ 21.104—21.109 and 21.112—21.122 constitutes a summary offense under section 7506 of the Crimes Code (relating to violation of rules regarding conduct on Commonwealth property).

**CHAPTER 23. [ STATE FOREST PICNIC AREAS ]  
(Reserved)**

*(Editor's Note: As part of this proposed rulemaking, the Department is proposing to rescind §§ 23.1—23.3, 23.11, 23.12, 23.14—23.17, 23.20 and 23.22—23.24, which appear in 17 Pa. Code pages 23-2 and 23-3, serial pages (294806) and (294807).)*

**§§ 23.1—23.3. (Reserved).**

**§ 23.11. (Reserved).**

**§ 23.12. (Reserved).**

**§§ 23.14—23.17. (Reserved).**

**§ 23.20. (Reserved).**

**§§ 23.22—23.24. (Reserved).**

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