

# PROPOSED RULEMAKING

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### [17 PA. CODE CH. 23] State Forest Picnic Areas

The Department of Conservation and Natural Resources (Department), Bureau of Forestry, proposes to amend Chapter 23 (relating to State forest picnic areas). This chapter has not been revised since it was promulgated in 1979. The proposed amendments improve the protection of State forest resources and safety of visitors.

These proposed amendments also eliminate provisions in Chapter 23 that duplicate provisions in Chapter 21 (relating to general provisions) or that would more appropriately be in the form of camping permit conditions.

#### *Statutory Authority*

These amendments are proposed under the authority in sections 302 and 313 of the Conservation and Natural Resources Act (71 P. S. §§ 1340.302 and 1340.313) 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).

#### *Background and Purpose*

Under Executive Order 1996-1, "Regulatory Review and Promulgation," the Department reviewed Chapter 23 and determined that it needed to be updated and streamlined. This proposed rulemaking is intended to accomplish these objectives.

#### *Summary of Amendments*

In § 23.1 (relating to definitions), "Bureau" and "District Forester" are deleted because these terms are not used in the revised chapter. "State forest picnic area" or "picnic area" is added as a defined term because the term is used in this chapter.

Section 23.2 (relating to scope) is revised to be titled "application." The revised section states that State forest picnic areas are subject to both Chapter 21 and this chapter.

Section 23.3 (relating to violations) is revised to reflect the deletion of § 23.12 (relating to motor vehicles).

Section 23.11 (relating to schedule) is revised to establish sunrise (rather than 8 a.m.) as the time of opening of State forest picnic areas to the public. It also permits, as an exception to the prohibition against entering a State forest picnic area when it is closed to the public, entering for the purpose of fishing or to gain access to another area of State forest land.

Section 23.12 is deleted because it duplicates provisions in § 21.21 (relating to motor vehicles), which applies to State forest picnic areas as well as to all other State forest land.

Section 23.13 (relating to soliciting) is deleted because it duplicates provisions in § 21.67 (relating to posting and soliciting).

Section 23.14 (relating to alcoholic beverages) is revised to replace "use" with "consumption" of alcoholic beverages.

Section 23.15 (relating to litter) is revised to delete the prohibition against littering, because it duplicates provisions in § 21.68 (relating to littering and disposal) and to add a provision permitting disposal of waste in containers if the containers are provided at the picnic area. However, only litter accumulated during use of a picnic area may be disposed of in these containers.

Section 23.16 (relating to fires) is revised to specify that charcoal fires are permitted only in appliances designed for charcoal fires and that disposal of hot charcoal is permitted only in designated facilities. It also clarifies that fires in picnic areas are subject to the forest-fire danger restrictions in § 21.62(b) (relating to open fires).

Section 23.17 (relating to hunting and shooting) is revised to prohibit—in addition to hunting and discharge of firearms and bows and arrows—trapping and use of devices capable of launching projectiles.

Section 23.18 (relating to fishing) is deleted because it duplicates provisions in § 21.64 (relating to fishing).

Section 23.19 (relating to swimming) is deleted because very few State forest picnic areas have bodies of water and the Department can use § 21.4 (relating to closure) to close an area to swimming if circumstances warrant.

Section 23.20 (relating to pets) is revised by the deletion of the second sentence, which is redundant with the first sentence.

Section 23.21 (relating to camping) is deleted because it duplicates provisions in § 21.61 (relating to camping permit).

Section 23.22 (relating to miscellaneous prohibitions) is revised to be entitled "organized events." Subsections (a), (b) and (d) are deleted because they duplicate provisions in §§ 21.31 and 21.74 (relating to prohibitions; and disorderly conduct). Subsection (c) is revised to include "other organized" events and to specify that the Department's approval of organized events shall be in writing.

Section 23.23 (relating to removal of facilities) is added to prohibit removal of facilities, including picnic tables, grills, fire rings, trash containers and charcoal disposal containers from picnic areas.

Sections 23.41—23.47, the sections under "Asaph and County Bridge State forest picnic areas camping regulations" are deleted because they are more appropriate as camping permit conditions than as regulations. The Department will post signs at Asaph and County Bridge State forest picnic areas which will list the conditions of camping at these areas.

#### *Affected Persons*

Visitors to the 27 State forest picnic areas will be affected by the proposed amendments.

#### *Cost and Paperwork Requirements*

The proposed amendments to Chapter 23 will result in no additional costs or paperwork requirements for the general public, local governments or the private sector. The only additional costs for the Commonwealth will be the Department's costs of several hundred dollars to revise the postings of rules and regulations at State forest picnic areas and in creating postings of camping permit conditions for Asaph and County Bridge State forest picnic areas.

*Effective Date/Sunset Date*

These proposed amendments will be effective upon publication of final-form rulemaking in the *Pennsylvania Bulletin*. Chapter 23 will thereafter be monitored by the Department to determine whether the regulations effectively accomplish their intended goals.

*Contact Person*

These proposed amendments are published on the Department's website at [www.dcnr.state.pa.us/forestry](http://www.dcnr.state.pa.us/forestry). Written comments, suggestions or objections from interested persons will be accepted by the Department for 60 days after publication of these proposed amendments in the *Pennsylvania Bulletin*. Comments may be directed to William R. Slippey, Chief, Recreation Section, Operations and Recreation Division, Bureau of Forestry, DCNR, P. O. Box 8552, Harrisburg, PA 17105-8552; fax (717) 783-5109; or e-mail at [forestrecreation@state.pa.us](mailto:forestrecreation@state.pa.us).

Alternative means of providing comments and alternative formats of the proposed amendments may be made available to persons with disabilities upon request by contacting William R. Slippey at (717) 783-7936 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD).

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 22, 2002, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Department by September 6, 2002. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. 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 objections raised.

JOHN C. OLIVER  
*Secretary*

**Fiscal Note:** 7B-4. 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 23. STATE FOREST PICNIC AREAS  
PRELIMINARY PROVISIONS****§ 23.1. Definitions.**

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

**[ Bureau—The Bureau of Forestry of the Department.**

**District Forester—The Bureau of Forestry employee so designated. ]**

**State forest picnic area or picnic area—An area on State forest land designated by the Department as a State forest picnic area.**

**§ 23.2. [ Scope ] Application.**

**[ This chapter applies to all State Forest Picnic Areas in the Commonwealth under the jurisdiction of the Bureau. ] State forest picnic areas are subject to Chapter 21 (relating to general provisions).**

**§ 23.3. Violations.**

(a) A person **[ is guilty of ] who engages in an act which is prohibited by § 21.21 or § 21.25 (relating to State Forests—motor vehicles; and State Forests—parking) commits a summary offense under 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic) [ if that person commits any act which is prohibited by § 23.12 (relating to motor vehicles) ].**

(b) A person **[ is guilty of ] who engages in an act which is prohibited by this chapter, other than an act prohibited by § 21.21 or § 21.25, commits a summary offense under 18 Pa.C.S. § 7506 (relating to violation of rules regarding conduct on Commonwealth property) [ if that person commits any act which is prohibited by any provision of this chapter other than those set forth in subsection (a) ].**

**MISCELLANEOUS PROVISIONS****§ 23.11. Schedule.**

(a) *Hours of use.* State **[ Forest Picnic Area day-use ] forest picnic areas are open to the public between [ 8 a.m. ] sunrise and sunset.**

(b) *Closing [ of State Forest Picnic Areas. Any ]* A State **[ Forest Picnic Area ] forest picnic area may be closed by the Department to public use [ at the discretion of the Director of the Bureau ].**

(c) *Entry.* **[ Entry by any person upon a State Forest Picnic Area during hours or times of closure shall be prohibited. ]**

**(1) Except as provided in paragraph (2), entering, using or remaining in a State forest picnic area that is not open to the public is prohibited without written permission of the Department.**

**(2) Entering a State forest picnic area for the purpose of fishing or for the purpose of gaining access to another area of State forest land that is open for public use is permitted unless posted otherwise.**

**§ 23.12. [ Motor vehicles ] (Reserved).**

**[ (a) Licensed vehicle operators shall use only the roads and parking areas open to public traffic, unless otherwise designated by the District Forester. Commercial traffic will be permitted on State Forest Picnic Area roads only when providing authorized service; all other commercial traffic is prohibited.**

(b) The operation of unlicensed motor vehicles shall be prohibited on State Forest Picnic Area roads, trails and other areas except where specially designated.

(c) Excessive noise, nuisance and reckless or negligent operations of vehicles shall be prohibited. ]

§ 23.13. [ Soliciting ] (Reserved).

[ Soliciting for any purpose or posting of signs shall be prohibited. ]

§ 23.14. Alcoholic beverages.

Possession or [ use ] consumption of alcoholic beverages [ shall be ] is prohibited.

§ 23.15. Litter.

[ Trash and garbage shall be placed in containers provided for this purpose and shall be limited to material accumulated during use of State Forest Picnic Areas. Littering of areas with garbage, paper or other waste shall be prohibited. ] If containers for disposal of trash and garbage are provided by the Department, trash and garbage accumulated during use of a State forest picnic area may be placed in these containers. Disposing of any other material in these containers is prohibited.

§ 23.16. Fires.

[ Open fires shall be permitted only in the facilities provided and shall be completely extinguished before being left. All other fires shall be prohibited. ] (a) Open fires are permitted in designated facilities, and charcoal fires are permitted in appliances designed for that purpose. All other fires are prohibited.

(b) Disposing of hot charcoal except in a facility designated by the Department for charcoal disposal is prohibited.

(c) Leaving a fire that has not been completely extinguished is prohibited.

(d) This section is subject to the prohibition in § 21.62(b) (relating to open fires).

§ 23.17. Hunting, trapping and shooting.

Hunting, trapping and the discharge of firearms [ or ], bows and arrows [ shall be ], or devices capable of launching projectiles are prohibited.

§ 23.18. [ Fishing ] (Reserved).

[ Fishing shall be permitted in accordance with current Pennsylvania fish laws unless otherwise posted. Fishing in violation of posted closure or special restriction notices shall be prohibited. ]

§ 23.19. [ Swimming ] (Reserved).

[ Swimming shall be prohibited at all State Forest Picnic Areas. ]

§ 23.20. Pets.

Pets are [ permitted in State Forest Picnic Areas provided ] prohibited unless they are on a leash not exceeding 6 feet [ in length ] and are attended at all times. [ It is prohibited for a person to allow his pet to be unattended or improperly leashed in a State Forest Picnic Area. ]

§ 23.21. [ Camping ] (Reserved).

[ Camping in State Forest Picnic Areas is prohibited except at the Asaph and County Bridge State Forest Picnic Areas in Tioga County. ]

§ 23.22. [ Miscellaneous prohibitions ] Organized events.

[ (a) It is prohibited to remove, molest, injure or damage a natural or physical object within a State Forest Picnic Area.

(b) Unnecessary disturbances or excessive noise are prohibited.

(c) An instruction, exhibition, competition, demonstration or other organized or special event is prohibited without [ agreement and approval of the Bureau ] written authorization of the Department.

[ (d) Disorderly conduct and obscene or lewd acts or dress is prohibited. ]

§ 23.23. Removal of facilities.

Removal from State forest picnic areas of picnic area facilities, including picnic tables, grills, fire rings, or containers for disposal of trash, garbage, or charcoal is prohibited.

#### [ ASAPH AND COUNTY BRIDGE STATE FOREST PICNIC AREAS CAMPING REGULATIONS ]

§ 23.41. [ Use ] (Reserved).

[ Camping at the Asaph and County Bridge State Forest Picnic Areas is restricted to designated campsites. Camping at undesignated campsites are prohibited. ]

§ 23.42. [ Occupancy ] (Reserved).

[ (a) Occupancy of a campsite is limited to living facilities to house one family unit or a nonfamily group limited to five persons per site. A responsible person of at least 18 years of age shall accompany each party.

(b) Maximum camping period is limited to 7 consecutive nights, provided campsites are available.

(c) Campsites are to be vacated by 4 p.m. unless the permit is renewed before 12 p.m. consistent with the 7-night limitation.

(d) Campsites left unattended overnight will be deemed abandoned and the permit will be revoked. ]

§ 23.43. [ Permits ] (Reserved).

[ (a) Campers shall have a current camping permit. Camping permits are issued on a first-come-first-served basis for all sites.

(b) The fee for camping is \$4.00 per night.

(c) Camping without a current valid permit is prohibited.

(d) Persons violating the provisions of this chapter may, in addition to other penalties, be denied future permits. ]

§ 23.44. [ Noise ] (Reserved).

[ Unnecessary disturbances and excessive noises are prohibited. ]

## § 23.45. [ Fires ] (Reserved).

[ Fires are permitted only in camp stoves or in the fireplaces provided and shall be completely extinguished before being left. Other fires are prohibited. ]

## § 23.46. [ Visitors ] (Reserved).

[ Visitors are allowed in the campground only between the hours of 8 a.m. and sunset daily. It is prohibited for a person to remain in the campground between the hours of sunset and 8 a.m. without a current camping permit. ]

## § 23.47. [ Miscellaneous prohibitions ] (Reserved).

[ (a) The use of water outlets, springs, lakes or waterways for washing purposes or the discharge of trailer sewage or sink waste on or into the groundwater or surface waters is prohibited.

(b) Removal of tables, fireplaces or other Commonwealth property is prohibited. ]

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