

RULES AND REGULATIONS
TITLE 17. PENNSYLVANIA CODE, PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Subpart C. STATE FORESTS

CHAPTER 21. GENERAL PROVISIONS

§ 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.* 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) 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 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 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 §§ 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).