



Proposed Regulation Agency Background Document

Agency name	Department of Forestry
Virginia Administrative Code (VAC) citation	4 VAC10-30
Regulation title	State Forest Regulations
Action title	State Forest Regulations – Amendments Governing the Users and their Activities on State Forest Properties of the Department of Forestry
Date this document prepared	October 15, 2013; Revised December 5, 2013

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

In a short paragraph, please summarize all substantive provisions of new regulations or changes to existing regulations that are being proposed in this regulatory action.

All State Forest regulations sections were reviewed and most are being amended to insure greater clarity, better wording, and compliance with modern state forest practices. In some cases, the agency recommends new sections to cover activities which did not exist when the regulations were first written. Regulations of other state agencies with land holding and similar activities were reviewed to insure DOF State Forest regulations generally met the needs of the DOF and were reasonably in line with other agency regulations that impact the public.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

The regulations identify the acronyms and definitions of technical terms. We attempted to insure the regulations are complete in this matter.

Acronyms Used in this document:

DOF – Department of Forestry
BOF – Board of Forestry

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Your citation should include a specific provision authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency/board/person’s overall regulatory authority.

Section 10.1101 (4.), General Powers of the Department, authorizes the Department of Forestry, with the approval of the State Forester, to promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter.

Purpose

Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.

State Forest regulations were reviewed by the previous Board of Forestry (BOF) members and staff members of the Department and they determined the current regulations were insufficient for current practices on the State Forests. We believe that no changes have been made to the State Forest regulations in the last forty years.

Substance

Please briefly identify and explain new substantive provisions (for new regulations), substantive changes to existing sections or both where appropriate. (More detail about all provisions or changes is requested in the “Detail of changes” section.)

Multiple sections of the State Forest regulations will be amended, some sections deleted and new sections added. The overall impact of the change is to insure that State Forest regulations represent the current uses of State Forests, insure safe environment for the public, and provide a meaningful recreational experience, in concert with the normal operational business practices of the State Forests. State Forests are financially managed through special revenues generated from timber sales and use permit sales, and no general funds are provided towards their management. State Forests also serve an important role for the recreational user and therefore regulations must insure the continuation of working forest and revenue generation, while insuring the safety and welfare of recreational users, and minimizing potential conflicts between the two objectives.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.

If the regulatory action poses no disadvantages to the public or the Commonwealth, please indicate.

The State Forest regulations, and amendments, are intended to insure the safety and welfare of the recreational user, and enhance the users' experience of the outdoors and natural world, and insure the agency continues to manage the state forests as working forest capable of producing annual crops and revenues. There are no disadvantages to the public or the Commonwealth caused by this regulatory action.

Requirements more restrictive than federal

Please identify and describe any requirements of the proposal, which are more restrictive than applicable federal requirements. Include a rationale for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

There are no applicable requirements or other requirements that exceed applicable federal requirements.

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

Localities are possibly affected by State Forest regulations in a positive manner when state forest users and business contractors use the state forest for recreation or forestry business. The community businesses may notice increased sales of items purchased by the users. Twenty three state forests are located in a few counties in Virginia. County governments receive a portion of timber sales gross proceeds when timber sales occur on state forests located in those counties. These additional revenues to those counties are used in the county general fund to offset county expenditures, and yet not requiring direct county services on the state forests.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the board/agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so via the Regulatory Town Hall website (<http://www.townhall.virginia.gov>), or by mail, email or fax to **Ron Jenkins, Assistant State Forester, 900 Natural Resources Drive, Suite 800, Charlottesville, Virginia 22903; 434 220 9022; fax 434 977 7749; ron.jenkins@dof.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by midnight on the last date of the public comment period.

[The following paragraph is optional:]

A public hearing will be held after this regulatory stage is published in the *Virginia Register of Regulations* and notice of the hearing will be posted on the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) and on the Commonwealth Calendar website (<http://www.virginia.gov/cmsportal3/cgi-bin/calendar.cgi>). Both oral and written comments may be submitted at that time.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirements creates the anticipated economic impact.

Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source, and (b) a delineation of one-time versus on-going expenditures.	The state will bear no costs to implement and enforce the proposed regulations above what now exists. The costs are covered through revenues from timber sales and user permit fees.
Projected cost of the <i>new regulations or changes to existing regulations</i> on localities.	None
Description of the individuals, businesses or other entities likely to be affected by the <i>new regulations or changes to existing regulations</i>.	Individual users, including hikers, campers, horse-back and bicycle riders, campers hunters and those who fish, and anyone who uses the state forests.
Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	None
All projected costs of the <i>new regulations or changes to existing regulations</i> for affected individuals, businesses, or other entities. Please be specific and include all costs. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses. Specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.	None
Beneficial impact the regulation is designed to produce.	Clarity, better wording,

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

No alternatives exist because the Department of Forestry owns and operates these properties and must provide reasonable and current regulations. Other state agencies, such as Department of Game & Inland Fisheries and Department of Conservation & Recreation also have regulations to govern users and activities on their properties.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

1) The establishment of less stringent compliance or reporting requirements – DOF has reviewed regulations of agencies with similar types of property and activities. The amendments to the state forest regulations are designed to minimize requirements on the user while maximizing opportunities for continuing our state forests as working forests capable of producing beneficial products, revenues for operations and productive experiences for the recreational user.

2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements – This is not applicable to the state forest regulations.

3) The consolidation or simplification of compliance or reporting requirements – This is not applicable to state forest regulations.

4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation – Not applicable

5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation – Not applicable

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

Commenter	Comment	Agency response
NONE		

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Overall, the intent of amending the State Forest regulations is to improve the users experience on the State Forests.

Detail of changes

Please list all changes that are being proposed and the consequences of the proposed changes. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action.

If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all differences between the pre-emergency regulation and this proposed regulation, and (2) only changes made since the publication of the emergency regulation.

For changes to existing regulation(s), use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, intent, rationale, and likely impact of proposed requirements
4VAC10-30-10. Definitions.		The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates	The following words and terms when used in this regulation shall have the following meanings unless the context clearly indicates otherwise:

		<p>otherwise:</p> <p>"Department" means the Department of Forestry.</p> <p>"Forest or forests" means all state-owned lands designated as a state forest, including therein all sites, roadways, game food patches, ponds, lakes, streams, rivers, beaches, and recreational areas, together with recreational areas, beaches and lakes assigned to the Department of Forestry, for use, development and administration.</p> <p>"Forest Superintendent" means the individual designated the forest superintendent by the department or any assistant or assistants the Forest Superintendent may authorize to act for him.</p> <p>"Owner" means any person, firm, association, co-partnership or corporation owning, leasing or having the extensive use of a sawmill, chipper, debarker or any machinery for use in harvesting forest products, vehicle, animal or any other property under a lease or otherwise.</p> <p>"Parking area" means any area on a forest designated for parking of motor vehicles of all types, clearly marked on the ground and so indicated by signs.</p> <p>"Permits" means any written</p>	<p>(1) <u>"Bike trail" means any road or trail maintained for bicycles.</u></p> <p>(2) <u>"Bridle trail" means any road or trail maintained for persons riding on horseback.</u></p> <p>(3) "Department" means the Department of Forestry <u>as defined by the Code of Virginia §10.1-1100.</u></p> <p>(4) <u>"Firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon.</u></p> <p>(5) "Forest or forests" means all state-owned lands designated as a state forest, including therein all sites, roadways, game food patches, ponds, lakes, streams, rivers, beaches, and recreational areas, together with recreational areas, beaches and lakes assigned to the Department of Forestry, for use, development and administration.</p> <p>(6) <u>"Group" means a number of individuals related by a common factor, having structured organization.</u></p>
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		<p>license issued by or under authority of the department, permitting the performance of a specified act or acts. Such permits may be purchased from a limited number of designated agents located within the general area of the forests.</p> <p>"Person" means any natural person, corporation, company, association, joint stock association, firm or co-partnership.</p> <p>"Regulation" means any regulation adopted by the Department of Forestry.</p> <p>"Road" means any road, logging road, trail or path used in the harvesting and movement of forest products, hunting or recreation, irrespective of the state of maintenance.</p> <p>"Timber sale" means any written signed agreement wherein the State Forester agrees to sell and the purchaser agrees to purchase any designated forest products for a mutually agreed price per unit or lot.</p>	<p>and defined leadership.</p> <p>(7) <u>"Hiking trail" means any road or trail maintained for pedestrians.</u></p> <p>(8) <u>"Hunting" means the lawful hunting of game animals as defined by the Virginia Department of Game and Inland Fisheries.</u></p> <p>(9) <u>"Motorized vehicles" means every vehicle which is self-propelled or which is pulled by a self-propelled vehicle (such as a camping trailer, fifth-wheel travel trailer, motor home, travel trailer, and truck camper). A self-propelled vehicle shall include, but is not limited to passenger automobiles, mopeds, off-road vehicles (ORV), golf carts, motorcycles, mini-bikes, all-terrain vehicles, Segways, and go-carts. This does not include motorized wheelchairs or other similar vehicles designed for and used by persons with disabilities.</u></p> <p>(10) <u>"Multi-use trail" means any trail maintained for use by any of the following: horseback riding, bicycle, or</u></p>
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			<p><u>pedestrian.</u></p> <p>(11) "Owner" means any person, firm, association, eo-partnership or corporation owning, leasing or having the extensive use of a sawmill, chipper, debarker, <u>skidder</u> or any machinery for use in harvesting forest products, vehicle, animal or any other property under a lease or otherwise.</p> <p>(12) "Parking area" means any area on a forest designated for parking of motor vehicles of all types, clearly marked on the ground and so indicated by signs <u>or indicated on state forest maps.</u></p> <p>(13) "Permits" means any written license issued by or under <u>the</u> authority of the Department, permitting the performance of a specified act or acts. Such permits may be purchased <u>through web based online service and from a limited number of</u> designated agents located within the general area of the forests within the Commonwealth of Virginia.</p> <p>(14) <u>"Permittee"</u> means any <u>person, partnership, corporation, company or association in possession of a valid permit.</u></p> <p>(15) "Person" means any natural person, <u>individual, firm, partnership,</u></p>
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			<p>corporation, company, association, <u>public or private institution, political subdivision or government agency, joint stock association, firm or co-partnership.</u></p> <p>(16) <u>“Public nudity” means a person’s intentional failure to cover with a fully opaque covering the person’s genitals, pubic area, anal area, or female breasts below a point from the top of the areola while in a public place.</u></p> <p>(17) "Regulation" means any <u>regulation rule promulgated under the Virginia Administrative Process and adopted by the Department of Forestry for implementation on the state forests.</u></p> <p>(18) "Road" means any road, logging road, trail or path used in the harvesting and movement of forest products, hunting or recreation, irrespective of the state of maintenance.</p> <p>(19) <u>“Rock climbing” means traversing a rock face that is steep enough to require the use of hands and feet to get up or down.</u></p> <p>(20) <u>“Forest Superintendent” “State Forests Manager” means the individual designated the forest superintendent State Forests Manager by the</u></p>
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			<p><u>Department</u>, or any assistant or assistants the Forest Superintendent <u>State Forests Manager</u> may authorize to act for him to <u>oversee and manage the State Forest</u>.</p> <p>(21) <u>“Swimming area” means any beach or water area designated by the Department as a swimming, wading and bathing area.</u></p> <p>(22) "Timber sale" means any written signed agreement wherein the State Forester agrees to sell and the purchaser agrees to purchase any designated forest products <u>or agricultural crops</u> for a mutually agreed price per unit or lot.</p>
<p>4VAC10-30-20. Construction.</p>		<p>In the interpretation of Virginia State Forests Regulations, their provisions shall be construed as follows:</p> <ol style="list-style-type: none"> 1. Any terms in the singular shall include the plural; 2. Any term in the masculine shall include the feminine and the neuter; 3. Any requirements or prohibition of any act shall, respectively extend to and include the causing or procuring, directly or indirectly, of such act; 4. No provision hereof shall make unlawful any act necessarily performed by any 	<p>In the interpretation of Virginia State Forests Regulations, their provisions shall be construed as follows:</p> <ol style="list-style-type: none"> (1) Any terms in the singular shall include the plural. (2) Any term in the masculine shall include the feminine and the neuter. (3) Any requirements or prohibition of any act shall, respectively extend to and include the causing or procuring, directly or indirectly, of such act. (4) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of

		<p>officer or employee of the department in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the department;</p> <p>5. Any act otherwise prohibited by Virginia State Forests Regulations, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of and strictly within the provisions of a permit so to do, and to the extent authorized thereby; and</p> <p>6. These regulations are in addition to and supplement the State Vehicle and Traffic Laws which are in force in all forests and which are incorporated herein and made a part hereof.</p>	<p>the <u>Department</u> in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the <u>Department</u>.</p> <p>(5) Any act otherwise prohibited by Virginia State Forests Regulations, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed under, by virtue of and strictly within the provisions of a permit so to do, and to the extent authorized thereby. and</p> <p>These regulations are in addition to and supplement the State Vehicle and Traffic Laws which are in force in all forests and which are incorporated herein and made a part hereof.</p>
<p>4VAC10-30-30. Territorial scope.</p>		<p>All Virginia State Forests Regulations shall be effective within and upon all state forests, roads, sites, ponds, lakes, streams, rivers, beaches, food patches, and recreational areas in the Commonwealth which may be under the jurisdiction of the department and shall regulate the use thereof by all persons. Areas designated by the department as state forests are: Appomattox-Buckingham in Appomattox and Buckingham Counties; Bourassa in Bedford County;</p>	<p>(1) All Virginia State Forests Regulations shall be effective within and upon all state forests, <u>lands</u>, <u>buildings</u>, roads, sites, ponds, lakes, streams, rivers, beaches, <u>trails</u>, food patches, and recreational areas in the Commonwealth which may be under the jurisdiction of the <u>Department</u> and shall regulate the use thereof by all persons. Areas designated by the department as state forests</p>

		<p>Browne in Essex and King and Queen Counties; Chilton Woods in Lancaster County; Conway-Robinson in Prince William County; Crawfords in New Kent County; Cumberland in Cumberland County; Devil's Backbone in Shenandoah County; Hawks in Carroll County; Lesesne in Nelson County; Mathews in Grayson County; Niday Place in Craig County; Paul in Rockingham County; Prince Edward-Gallion in Prince Edward County; Sandy Point in King William County; Whitney in Fauquier County; and Zoar in King William County together with such other areas as the department may from time to time designate.</p>	<p>are: Appomattox-Buckingham in Appomattox and Buckingham Counties; Bourassa in Bedford County; Browne in Essex and King and Queen Counties; Chilton Woods in Lancaster County; Conway-Robinson in Prince William County; Crawfords in New Kent County; Cumberland in Cumberland County; Devil's Backbone in Shenandoah County; Hawks in Carroll County; Lesesne in Nelson County; Mathews in Grayson County; Niday Place in Craig County; Paul in Rockingham County; Prince Edward-Gallion in Prince Edward County; Sandy Point in King William County; Whitney in Fauquier County; and Zoar in King William County together with such other areas as the department may from time to time designate.</p>
<p>4VAC10-30-40. Use permits</p>		<p>A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof. Any violation by its holder or his agents or employees of any term or condition thereof shall constitute grounds for its revocation by the department, or by its authorized representative. In case of revocation of any</p>	<p>(1) A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof. <u>A Virginia State Forest Use Permit is required for certain activities allowed by the Department and authorized by law. The Department may charge a fee for the Virginia State Forest Use Permit in</u></p>

		<p>permit, all moneys paid for or on account thereof shall, at the option of the department, be forfeited to and be retained by it; and the holder of such permit, together with his agents and employees who violated such terms and conditions, shall be jointly and severally liable to the department for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the department of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability to punishment for any violation of any provision of any Virginia State Forests Regulation. A state forest hunting permit will be required to hunt or trap on any state forest or portion thereof on which hunting and trapping is permitted.</p>	<p><u>accordance with the authority granted by the Code of Virginia § 10.1152. The holder of a Virginia State Forest Use Permit must abide at all times by the conditions and restrictions associated with the Virginia State Forest Use Permit and its associated activity.</u> Any violation by its holder or his agents or employees of any term or condition thereof shall constitute grounds for its revocation by the <u>Department</u>, or by its authorized representative. In case of revocation of any permit, all moneys paid for or on account thereof shall, at the option of the <u>Department</u>, be forfeited to and be retained by it; and the holder of such permit, together with his agents and employees who violated such terms and conditions, shall be jointly and severally liable to the <u>Department</u> for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the <u>Department</u> of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability to punishment for any violation of any</p>
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			<p>provision of any Virginia State Forests Regulation. A state forest hunting permit will be required to hunt or trap on any state forest or portion thereof on which hunting and trapping is permitted.</p> <p>(2) <u>Conditional Activity Permit: A permit that grants authority to individuals or groups for specific activities requiring permission from the State Forests Manager.</u></p> <p>(3) <u>Organized Event Permit: The State Forests Manager may issue an organized event permit and charge organizers of a specific group event a single fee in lieu of individuals obtaining special use permits. Permits for use of the forest involving organized events can be obtained from the State Forests Manager for a fee of two dollars per person participating in the event. Payment will be made to the “State Forester” and submitted to the State Forest office in Cumberland, Virginia. This fee eliminates the requirement for one-time users participating in an organized event to obtain</u></p>
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			<p><u>an annual Virginia State Forest Use Permit.</u></p> <p>(4) <u>The State Forests Manager may waive fees for organized charitable events.</u></p>
	<p><u>4VAC10-30-41. Virginia State Forest Special Use Permit Fees.</u></p>		<p>(1) <u>A Virginia State Forest Special Use permit will be required for persons sixteen years of age and older to hunt, trap, fish, ride a horse or ride a bike on any state forest or portion thereof upon which each respective activity is permitted.</u></p> <p>(2) <u>Virginia State Forest Special Use permit fees will be waived for one year for volunteers completing ten hours of service on state forests, preapproved by the State Forests Manager.</u></p> <p>(3) <u>No person 16 years of age or older shall make, use, or gain admittance to, or attempt to use or gain admittance to the facilities in any forest for the use of which a Virginia State Forest Special Use Permit is required by the Department unless</u></p>

			<p><u>he shall obtain a Virginia State Forest Special Use Permit and pay an annual feed of \$20. Any person under 16 years of age may hunt, trap, fish, ride horses or ride bikes on any state forest and is not required to obtain a Virginia State Forest Special Use permit or pay an annual fee.</u></p>
<p>4VAC10-30-50. Preservation of the forest.</p>		<p>No person shall remove, destroy, cut down, scar, mutilate, injure, take or gather in any manner any flower, fern, shrub, rock or other plant or mineral in any forest, except only for botanical or mineral rock collection and then only with approval of the Forest Superintendent.</p>	<p>(1) No A person shall <u>not</u> remove, destroy, cut down, scar, mutilate, <u>take, gather or injure, take or gather in any manner</u> any <u>tree, flower, artifact, fern, shrub, rock or other plant or mineral in any state forest.</u>, except only for botanical or mineral rock collection and then only with approval of the Forest Superintendent. <u>Silvicultural activities performed in accordance with an approved State Forest Management Plan are exempt from this rule.</u></p> <p>(2) A person shall not collect <u>plants, animals, minerals or other artifacts from any state forest without first having obtained a conditional activity permit from the State Forest Manager.</u></p>

<p>4VAC10-30-60.</p> <p>Buildings, signs, structures, or other property.</p>		<p>No person shall in any manner injure, deface, disturb, destroy, or disfigure any part of any forest, nor any building, sign, equipment or other property found therein.</p>	<p>(1) No <u>A person shall not in any manner</u> injure, deface, disturb, destroy, or disfigure any part of any forest, nor any building, sign, equipment, <u>road, trail, field, parking area</u> or other property found therein.</p> <p>(2) <u>Temporary or permanent structures may not be constructed unless by permit, with the exception of a temporary tree stand or blind for the purpose of hunting, which may be placed in a manner that does not cause injury or damage to the tree and must be removed at the conclusion of the hunting season during which it was placed. Any structure remaining ten days after the end of the hunting season for which the structure was established may be removed and disposed of by the Department.</u></p>
<p>4VAC10-30-70.</p> <p>Refuse and rubbish; disposal.</p>		<p>No person shall deposit in any part of any forest any garbage, sewerage, refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or other waste material or obnoxious material, except in containers designed for such purposes, or on areas designated by and under conditions specified by the Forest Superintendent.</p>	<p>(1) No <u>A person shall not deposit paper products, bottles, in any part of any forest any garbage, sewerage, refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or other waste material or any other trash or debris in a state forest obnoxious material, except in receptacles containers</u> designed for such <u>materials. purposes, or on</u></p>

			<p>areas designated by and under conditions specified by the Forest Superintendent. Where trash receptacles are not provided, persons shall pack and carry their trash out of the state forest and dispose of it in a lawful manner.</p>
<p>4VAC10-30-80. Pollution of waters.</p>		<p>No person shall in the streams, lakes, or other waters of any forest violate any statute of the Virginia Code relating to the pollution of said waters.</p>	<p>(1) No <u>A</u> person shall <u>not</u> in the streams, lakes, or other waters of any forest violate any statute of the Virginia Code relating to the pollution of said waters. <u>streams, lakes, or other waters of any forest.</u></p>
<p>4VAC10-30-90. Disorderly conduct, public nuisance, etc.</p>		<p>No person, while in any forest, shall disobey a lawful order of a Virginia Forest Superintendent, caretaker, ranger, patrolman or other forest officer; nor commit a nuisance, nor use abusive, profane, or insulting language; nor unreasonably disturb or annoy others; be under the influence of intoxicants or unlawful drugs; do any act tending to or amounting to a breach of the peace nor conduct himself in any disorderly manner whatsoever.</p>	<p>(1) No <u>A</u> person, while in any forest, shall <u>not</u> disobey a lawful order of a Virginia <u>State Forests Manager</u> Superintendent, caretaker, ranger, patrolman or other forest officer; nor commit a nuisance, nor use abusive, profane, or insulting language; nor unreasonably disturb or annoy others; be under the influence of intoxicants or unlawful drugs; <u>nor</u> do any act tending to or amounting to a breach of the peace; nor conduct himself in any disorderly manner whatsoever.</p>
<p>4VAC10-30-100. Gambling.</p>		<p>Gambling in any forest is prohibited and no person shall bring into the forest or have in his possession while there, any implement or device commonly used, or intended for gambling</p>	<p>Gambling in any forest is prohibited and no <u>a</u> person shall <u>not</u> bring into the forest or have in his possession while there, any implement or device commonly used, or intended for gambling purposes.</p>

		purposes.	
4VAC10-30-110. Intoxicating liquors, beverages or unlawful drugs.		No person shall become intoxicated, or be under the influence of intoxicants or unlawful drugs, in public while within the confines of any forest. Public display or use of beer, wine, whiskey or other intoxicating liquor, beverage or unlawful drugs, or the containers thereof is prohibited.	No A person shall <u>not</u> become intoxicated, or be under the influence of intoxicants or unlawful drugs, in public while within the confines of any forest. Public display or use of beer, wine, whiskey or other intoxicating liquor, beverage or unlawful drugs, or the containers thereof is prohibited.
4VAC10-30-120. Charges.		No person shall make, use or gain admittance to, or attempt to use or gain admittance to the facilities in any forest for the use of which a charge is made by the department unless he shall pay the charge or price fixed by the department.	No person 16 years of age or older shall make, use, or gain admittance to, or attempt to use or gain admittance to the facilities in any forest for the use of which a special use permit is required by the department unless he shall obtain a special use permit and pay an annual fee of \$15. Any person 16 years of age may hunt, trap, fish, ride bikes, or ride horses on any state forest and is not required to obtain a special use permit or pay an annual fee.
4VAC10-30-130. Picnic area.		Picnicking is allowed only in the areas designated as picnic areas.	Picnicking is allowed only in the areas designated as picnic areas or as indicated on <u>in state forests maps. Section 4VAC10-30-70 applies to persons who picnic in State Forests.</u>
4VAC10-30-140. Camping.		No camp, either temporary or permanent, shall be maintained in any forest except under permit, and at such places and for such periods as may be designated by the Forest Superintendent.	<u>(1)</u> No camp, either temporary or permanent, shall be maintained in any forest except under <u>a conditional activity permit</u> , and at such places and for such periods as may be designated by the <u>State Forests Manager</u> Forest Superintendent.

<p>4VAC10-30-150.</p> <p>Bathing, where permitted.</p>		<p>No person shall bathe, wade, or swim in any waters in a forest except at such times, and in places as the Forest Superintendent may designate as bathing areas, and unless so covered with a bathing suit as to prevent any indecent exposure of the person.</p>	<p>(1) No person shall bathe, wade, or swim in any waters in a forest except at such times, and in places as the <u>State Forests Manager Forest Superintendent</u> may designate as bathing areas, and unless so covered with a bathing suit as to prevent any indecent exposure <u>or public nudity</u> of the person.</p>
<p>4VAC10-30-160.</p> <p>Dressing and undressing.</p>		<p>Dressing and undressing, except in bathhouses, tents, trailers, motor homes, campers or vacation cabins, is prohibited.</p>	<p>Dressing and undressing, except in bathhouses, tents, trailers, motor homes, campers or vacation cabins, is prohibited.</p>
<p>4VAC10-30-170.</p> <p>Explosives, firearms, etc.</p>		<p>No person shall bring into or have in any forest any explosive or explosive substance. This regulation shall not apply to the lawful carrying of firearms and firearms ammunition.</p>	<p>(1) No person shall bring into or have in any forest any explosive or explosive substance. This regulation shall not apply to the lawful carrying of firearms and firearms ammunition. <u>Unlawful discharge of any firearm except as permitted under lawful hunting activities, as defined by the Virginia Department of Game and Inland Fisheries, is prohibited.</u></p>
<p>4VAC10-30-180.</p> <p>Fires, lighted cigarettes, etc.</p>		<p>In any forest, no person shall kindle, build, maintain, or use a fire other than in places provided or designated for such purposes except by special permit. Any fire shall be continuously under the care and direction of a competent person over 16 years of age from the time it is kindled until it is</p>	<p>(1) In any forest, no a person shall <u>not</u> kindle, build, maintain, or use a fire other than in places provided or designated for such purposes except by <u>conditional activity special</u> permit. Any fire shall be continuously under the care and direction of a competent person over 16</p>

		<p>extinguished. No person within the confines of any forest shall throw away or discard any lighted match, cigarette, cigar, or other burning object. Any lighted match, cigarette, cigar, or other burning object must be entirely extinguished before being thrown away or discarded. All forest fire laws must be complied with.</p>	<p>years of age from the time it is kindled until it is extinguished. No person within the confines of any forest shall throw away or discard any lighted match, cigarette, cigar, or other burning object. Any lighted match, cigarette, cigar, <u>campfire</u>, <u>cooking fire</u>, or other burning object must be entirely extinguished before being thrown away, <u>abandoned</u>, or discarded. All forest fire laws must be complied with.</p> <p>(2) <u>Fires ignited for forest management purposes under the provisions of a prescribed burning plan, approved by the State Forests Manager or his designee, may be conducted on State Forests without violating this section.</u></p>
<p>4VAC10-30-190. Smoking.</p>		<p>No person shall smoke in any structure or place in any forest where smoking is prohibited. Smoking may be forbidden by the department or its authorized agent in any part of any forest when it is deemed the fire hazard makes such action advisable.</p>	<p>(1) No <u>A</u> person shall <u>not</u> smoke in any structure or place in any forest where smoking is prohibited. Smoking may be forbidden by the <u>Department</u> or its authorized agent in any part of any forest when it is deemed the fire hazard makes such action advisable.</p>
<p>4VAC10-30-200. Hunting and fishing.</p>		<p>No person within the confines of any forest, shall hunt, trap, shoot, injure, kill or molest in any way any bird or animal, nor shall any person have in his possession</p>	<p>(1) No person within the confines of any forest, shall hunt, trap, shoot, injure, kill or molest in any way any bird or animal,</p>

		<p>any bird or animal, dead or alive, within the forest except any bird or animal designated as a game bird or animal by the Virginia Board of Game and Inland Fisheries, and the trapping of, hunting of, shooting at, or possession of any such bird or animal is prohibited except during the lawful hunting season set for the forest or portion thereof by the Virginia Board of Game and Inland Fisheries and only in those forests or portion thereof designated by the Forest Superintendent as lawful hunting areas. A state forest hunting permit will be required. All provisions of the Virginia Code concerning hunting must be complied with.</p>	<p>nor shall any person have in his possession any bird or animal, dead or alive, within the forest except any bird or animal designated as a game bird or animal by the Virginia <u>Department Board</u> of Game and Inland Fisheries, and the trapping of, hunting of, shooting at, or possession of any such bird or animal is prohibited except during the lawful hunting season set for the forest or portion thereof by the Virginia <u>Department Board</u> of Game and Inland Fisheries and only in those forests or portion thereof designated by the <u>State Forests Manager Forest Superintendent</u> as lawful hunting areas. A <u>current Virginia State Forest Use Permit</u> state forest special use permit will be required. All provisions of the Virginia Code concerning hunting must be complied with. <u>Only temporary structures, stands or concealments are allowed and must be removed at the end of the hunting season for which the structure, stand or concealment was established. The</u></p>
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			<p><u>Department shall not be responsible for any damage occurring to or injury resulting from the use of any temporary structure, stand or concealment while on any state forest.</u></p>
<p>4VAC10-30-210. Fishing.</p>		<p>Fishing is permitted in designated areas in each forest, the only stipulation being that persons fishing must have a state fishing license and comply with the Virginia Game and Inland Fisheries rules and regulations.</p>	<p>(1) Fishing is permitted in designated areas in each forest, the only stipulation being that persons fishing must have a <u>current Virginia State Forest Use Permit</u> and a state fishing license, have a special use permit, and comply with the Virginia <u>Department of Game and Inland Fisheries</u> rules and regulations. <u>Waters where fishing is permitted will be designated by signs or indicated on state forest maps.</u></p>
<p>4VAC10-30-220. Boating.</p>		<p>Use of boats on ponds, lakes or streams within forest areas assigned to the administration of the Department of Forestry in addition to other regulations of other state agencies, must comply with the rules and regulations of the Department.</p>	<p>(1) Use of boats on ponds, lakes or streams within forest areas assigned to the administration of the Department of Forestry in addition to other regulations of other state agencies, must comply with the rules and regulations of the Department and the <u>Virginia Department of Game and Inland Fisheries</u>, and such use <u>must be pursuant to a Virginia State Forest Use Permit.</u></p> <p>(2) <u>Boats, canoes, kayaks,</u></p>

			<p><u>sailboats or other watercraft may be operated on the waters of state forests, provided they are manually operated or propelled by means of oars, paddles or electric trolling motors. Use of gas motors is prohibited on any waters of state forests, except for use by rescue squads, diving teams, or similar organizations conducting training or emergency operations or forest staff conducting maintenance operations.</u></p>
<p>4VAC10-30-230. Dogs and other animals.</p>		<p>No person shall cause or permit any animal owned by him, in his custody, or under his control, except those animals of a resident employee and then only in the general area around the employee's residence, and except a dog restrained by a leash not exceeding six feet in length, to enter any forest, and each such animal found at large may be seized and disposed of as provided by the law or ordinance covering disposal of stray animals on highways or public property then in effect at the place when such animals may be seized, except during the lawful hunting season in effect in the particular forest or portion thereof.</p>	<p>(1) No person shall cause or permit any animal owned by him, in his custody, or under his control, except those animals of a resident employee and then only in the general area around the employee's residence, and except a dog restrained by a leash <u>or harness</u> not exceeding <u>twenty</u> six feet in length, to enter any forest, and each such animal found at large may be seized and disposed of as provided by the law or ordinance covering disposal of stray animals on highways or public property then in effect at the place when such animals may be seized, except during the lawful hunting season in effect in the particular forest or portion thereof.</p>

			(2) <u>Owners of animals trained and accompanying their owners for the sole purpose of assisting the owner with mobility are exempt from 4VAC10-30-230(1).</u>
4VAC10-30-240. <u>Sports, games and special events and games.</u>		In any forest, no games or athletic contests shall be allowed except in such places as may be designated therefor.	(1) <u>In any state forest, no games or athletic contests shall be allowed except in such places as may be designated therefor. sports activities, contests or group events will be conducted only in areas designated for such events and indicated by signs or on state forest maps.</u>
4VAC10-30-250. <u>Motorized vehicles, where permitted.</u>		No person shall drive a vehicle in any forest on any road during any period where there is a sign or signs erected on or along the particular road indicating that any such road is closed to vehicular traffic.	(1) <u>No person shall operate a motorized vehicle anywhere on any forest except on a road or parking area, designated by signs or maps, indicating it is open to motorized vehicle traffic.</u> (2) <u>Driving a vehicle on a gated road is prohibited, except by conditional activity permit. Any motorized vehicle used on state forest lands must be a highway legal vehicle in compliance with Virginia Department of Transportation regulations and insured and licensed per Department of Motor Vehicles regulations. Any operator of a vehicle must possess a valid driver's</u>

			<p><u>license issued by the person's state of residency.</u></p> <p>(3) <u>Persons engaged in silvicultural activities are exempt from requirements of this section, except legal requirements described in (2).</u></p>
<p>4VAC10-30-260.</p> <p>Obstructing traffic.</p>		<p>In any forest, no person or persons shall cause or permit a vehicle or vehicles to obstruct traffic on any road by unnecessary stopping, or to prevent or obstruct by any means the free use by others of any road.</p>	<p>(1) In any forest, no person or persons shall cause or permit a vehicle or vehicles to obstruct traffic on any road by unnecessary stopping <u>or parking</u>, or to prevent or obstruct by any means the free use by others of any road.</p>
<p>4VAC10-30-270.</p> <p>Speed limit.</p>		<p>Rate of vehicular speed in any forest in excess of the rate as posted by the Virginia Department of Transportation or Forest Superintendent is prohibited.</p>	<p>(1) Rate of vehicular speed in any forest in excess of the rate as posted by the Virginia Department of Transportation or <u>State Forests Manager Forest Superintendent</u> is prohibited. <u>Vehicular speeds will be posted on signs.</u></p>
<p>4VAC10-30-280.</p> <p>View into vehicles.</p>		<p>Every car driven through any forest or parked in any parking space in any forest shall have the interior thereof open to full view at all times.</p>	<p>Every car driven through any forest or parked in any parking space in any forest shall have the interior thereof open to full view at all times.</p>
<p>4VAC10-30-290.</p> <p>Use of roads.</p>		<p>No person shall operate an excessively loaded vehicle on any forest road. The determination of whether a load is excessive will be made by the Forest Superintendent and will be based upon the load and the condition of the road. In the</p>	<p>(1) No person shall operate an excessively loaded vehicle on any forest road. The determination of whether a load is excessive will be made by the Forest Superintendent and will be based upon the load and the condition</p>

		exercise of his professional judgment, the Forest Superintendent may at any time close to use any forest road.	of the road. In the exercise of his professional judgment, the Forest Superintendent <u>The State Forests Manager</u> may at any time close to use any forest road <u>or trail for public use.</u>
4VAC10-30-300. Meetings, exhibitions, Commercial enterprises, etc.		No person shall, in any forest, without a permit, sell or offer for sale, hire, lease or let out, any object or merchandise, property, privilege, service or any other thing, or engage in any business or erect any building, booth, tent, stall or any other structure whatsoever. No person to whom any property of any forest by authorized permit has been entrusted for personal use shall hire, lease, let out or sell, the same to any other person.	(1) No person shall, in any forest, without a permit, sell or offer for sale, hire, lease or let out, any object or merchandise, property, privilege, service or any other thing, or engage in any commercial activity on state forest lands or in state forest structures unless an agreement is made and approved by the Department. The agreement shall include conditions and payments to the Department. <u>business or erect any building, booth, tent, stall or any other structure whatsoever. No person to whom any property of any forest by authorized permit has been entrusted for personal use shall hire, lease, let out or sell, the same to any other person.</u>
4VAC10-30-310. Advertising.		No sign, notice, or advertisements of any nature shall be erected or posted at any place within any forest without permission in writing from the Forest Superintendent; nor shall any musical instrument, radio, talking machine, or drum be	No sign, notice, or advertisements of any nature shall be erected or posted at any place within any forest without permission in writing from the Forest Superintendent; nor shall any musical instrument, radio, talking machine, or drum be operated or any noise be made

		operated or any noise be made for the purpose of attracting attention to any exhibition of any kind.	<p>for the purpose of attracting attention to any exhibition of any kind.</p> <p>(1) <u>No sign, notice or advertisements of any nature shall be erected or posted at any place within any state forest, nor shall any noise be made for the purpose of attracting attention to any exhibition of any kind. The State Forest Manager may authorize exceptions to temporary signs coincident to activities approved by either a Conditional Activity or Organized Event permit.</u></p>
4VAC10-30-320. Meetings and exhibitions.		No person shall in any forest erect any structure, stand, or platform, hold any meeting, or exhibition, perform any ceremony, make any speech, or address except by permit from the Forest Superintendent.	(1) No person shall in any forest erect any structure, stand, or platform, hold any meeting, or exhibition, perform any ceremony, make any speech, or address except by written permission permit from the <u>State Forests Manager Forest Superintendent.</u>
4VAC10-30-330. <u>Alms, gifts</u> and contributions.		No person shall within any forest solicit alms or contributions for any purpose.	(1) No person shall within any forest solicit alms, <u>gifts</u> or contributions for any purpose <u>without written permission by the State Forests Manager.</u>
4VAC10-30-340. Aviation.		No person shall voluntarily bring, land or cause to descend or alight within or upon any forest, any aeroplane, flying machine, balloon, parachute or other	(1) No person shall voluntarily bring, land or cause to descend or alight within or upon any forest, <u>any airplane aeroplane,</u> flying machine, balloon, parachute or other

		apparatus for aviation except under permit. "Voluntarily" in this connection shall mean anything other than a forced landing.	apparatus for aviation except <u>with written permission of the State Forests Manager</u> , under permit . "Voluntarily" in this connection shall mean anything other than a forced landing. (2) <u>Emergency aircraft such as air ambulances and aerial search helicopters, and Department aircraft are exempt.</u>
4VAC10-30-350. Sale of forest products.		From time to time, forest products may be sold from forest land under conditions determined by the department and in accordance with law.	(1) From time to time, <u>Forest products and agricultural crops</u> may be sold from forest land under conditions determined by the <u>Department</u> and in accordance with law.
	<u>4VAC10-30-360</u> <u>Rock or Cliff Climbing and Rappelling</u>		<u>A person shall not engage in rock climbing, cliff climbing or rappelling within the boundaries of a state forest, except at designated areas and only after obtaining a conditional activity permit.</u>
	<u>4VAC10-30-370 Horses</u>		(1) <u>No person shall use, ride or drive a horse except to, from or along a designated bridle path, multi-use trails, or roads designated for equestrian use.</u> (2) <u>Each equestrian user shall remove from designated parking areas</u>

			<p><u>all residues (including manure) generated by his horse.</u></p> <p>(3) <u>Horses shall cross rivers and streams using bridges, culverts and designated fords/crossings, if available.</u></p> <p>(4) <u>Users shall possess valid Coggins documentation for each horse and make them available for inspection upon request.</u></p>
	<p><u>4VAC10-30-380</u> <u>Bicycles</u></p>		<p>(1) <u>No person shall use or ride a bicycle except on a road or trail authorized for use by motor vehicles or specifically designated as a bicycle or multi-use</u></p> <p>(2) <u>When crossing rivers or streams, bicycle use shall be confined to bridges, culverts and designated fords/crossings, if available.</u></p>
	<p><u>4VAC10-30-390</u> <u>Hours of Operation</u></p>		<p>(1) <u>State forests are open to public use during daylight hours only unless the forest user is camping or engaged in lawful hunting activities as defined by the Virginia Department of Game and Inland</u></p>

			<p><u>Fisheries and for other uses as permitted by the State Forests Manager.</u></p>
	<p><u>4VAC10-30-400</u></p> <p><u>Importation of Firewood</u></p>		<p>1) <u>The Department may prohibit the importation of firewood or certain types of firewood into any state forest or allow such entry only under specified conditions when such firewood may be infected or infested with a species of concern. Any firewood transported to the state forest by a person found to be in violation of such prohibition shall be confiscated and destroyed. Should any person charged under this section be found not guilty, the person shall be reimbursed for only the cost of the firewood.</u></p> <p>2) <u>The Department may eliminate or restrict conditions offered in this subsection as determined to be necessary to properly address the infecting or infesting species of concern to the satisfaction of the department.</u></p>
	<p><u>4VAC10-30-410</u></p> <p><u>Release of</u></p>		<p>(1) <u>No person shall release animals or wildlife captured or propagated elsewhere into any state</u></p>

	<u>Animals or Wildlife on Forest Property</u>		<u>forest.</u>
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If a new regulation is being promulgated, use this chart:

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements

Enter any other statement here