

**Commonwealth of Pennsylvania
Department of Conservation and Natural Resources
Bureau of Forestry**

**Guidelines for Administering the
*Oil and Gas Lease for State Forest Lands***

WORKING DRAFT

November 19, 2002

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Purpose

The *Oil and Gas Lease for State Forest and Park Lands* (referred to as the “*Lease*” in this document) is the legal document by which the Bureau of Forestry administers oil and gas leasing of state forest lands. The *Lease* contains safety, engineering, and environmental restrictions and procedures designed to minimize potential safety hazards and environmental impacts. Many provisions in the *Lease* fall under the jurisdiction of the District Foresters. The purpose of this document is to provide guidelines to **District Foresters and authorized designees** for administering the *Lease* with the intent to minimize adverse impacts and avoid potential conflicts.

Key Principles for Administering the *Lease*

According to the policy statement in the State Forest Resource Management Plan, “...The mineral resources on state forest lands will be managed and utilized by exploration and development using wise and sound conservation practices for the long-term good of the citizens of the Commonwealth.” When administering the *Lease*, several key principles should guide management decisions:

1. The Bureau of Forestry is responsible for managing and protecting natural resources on state forest land, especially species of concern and critical and unique habitats.
2. Public safety will be foremost when making management decisions.
3. The Bureau of Forestry will foster open communications among bureau staff, Department of Environmental Protection’s (DEP) Bureau of Oil and Gas Management, and oil and gas Lessees to facilitate the *Lease* administration process.
4. The Bureau of Forestry is obligated to comply with and to enforce the *Lease* provisions.
5. These guidelines were developed from the *Lease* as it was modified in July 2002 for the Trenton-Black River lease sale. Additionally, District Foresters are encouraged to use these guidelines whenever possible for administering future *Leases* and *Leases* in effect prior to 2002, including gas storage leases.
6. These guidelines were developed for state forest land where the Commonwealth has controlling interests in the subsurface oil and gas rights—about 80 percent of the state forest. District Foresters are encouraged to also use these guidelines to the extent possible when working with oil and gas operators on state forest land where the Commonwealth does not have controlling interests in the subsurface oil and gas rights.
7. These guidelines are intended to help District Foresters administer the *Lease*. However, certain instances might require District Foresters to deviate from these guidelines and make decisions based on their training, experience, and professional judgment.

A. Guidelines for Ecosystem and Multiple-Resource Management

1. Consistent with the Bureau of Forestry's ecosystem and multiple-resource management policies, oil and gas exploration and development will be conducted in a manner that minimizes adverse impacts to water, soil, flora, and fauna resources and is compatible with other uses of state forest land such as timber management and recreation activities. Specifically, the *Lease* states that:

Note: For reference purposes, text contained within boxes has been taken from the July 2002 *Lease*. This format is used throughout this document.

July 2002 *Lease*

Lease Provision:

8. RESTRICTIONS

8.01 Under Department's multiple use policy, the leased premises continuously used for recreation, conservation and other purposes; and many Department authorized activities may be in progress on the lands. Hence, Lessee shall conduct its operations so as to minimize interference with the other Department authorized activities on these State Forest lands and shall comply with the following restrictions.

- (a) No drilling or wellsite clearing within 200 feet of any building.
- (b) No drilling or wellsite clearing is permitted within 200 feet of any stream or body of water.
- (c) No drilling or wellsite clearing is permitted within 300 feet of any exceptional value (EV) stream or body of water. (As defined by the Environmental Quality Board)
- (d) No drilling or wellsite clearing is permitted within 330 feet of any picnic area or sheltered area which has been so designated by Department.
- (e) No drilling or wellsite clearing is permitted within 330 feet of any trail, road or existing right-of-way.
- (f) No drilling or wellsite clearing is permitted within 330 feet of any area of historic value, tree plantation, overlook, vista or fire tower site.
- (g) No drilling or wellsite clearing is permitted within 330 feet of the boundary line of the leased premises.
- (h) No drilling or wellsite clearing is permitted within 660 feet of the boundary line of State Park lands or of designated Wild and Natural Areas on State Forest lands.
- (i) In addition, the following specific restrictions for this lease shall also apply:

At the time of issuance of this lease agreement there were no specific restrictions identified by the Department on the leased premises. However, due to the changing nature of the Department's environmental databases, such as the Pennsylvania Natural Diversity Index (PNDI), Lessee should check with the District Forester before any construction project is initiated to avoid potential conflicts.

8.02 Upon written request by Lessee, Department may waive, in writing, any portion of the above restrictions if, in Department's judgment, such a waiver is justified and in its best interests.

8.03 No oil and gas activity of any kind, including but not limited to drilling, seismic exploration, and pipeline or road construction, shall be permitted, nor shall they be subject to waivers, on the surface of State Parks or State Forest Wild or Natural Areas.

2. According to Lease Provision 8.02, the listed restrictions (a – i) are waivable, if justified and in the best interest of DCNR. These restrictions were established to protect specific resources, uses, and infrastructure. However, waivers will be reviewed on a case-by-case basis and approved by the State Forester if greater environmental protection results. For example, it might be in the best interest to place a well-site closer than 330 feet of an existing road if forest fragmentation is reduced.
3. District Foresters should become familiar with the entire *Lease*, and especially EXHIBIT “B”—Stipulations for Protection and Conservation of State Forest and Park Lands—of the *Lease*, which addresses environmental quality control regarding:
 - property
 - wildlife
 - water and soil resources
 - forest growth
 - fire
 - buildings and infrastructure
 - roads
 - aesthetics
 - restoration and revegetation
 - rare and endangered species
 - historical and archaeological sites
4. District Foresters should become familiar with EXHIBIT “D”—OIL AND GAS LEASE ACCESS ROAD SPECIFICATIONS FOR STATE FOREST LANDS—of the *Lease*, which addresses access road construction, maintenance, and retirement.
5. To minimize forest fragmentation, roads and pipelines should follow existing roads and rights-of-way wherever possible, per *Lease* Exhibit “D” Provision 2.02.

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Exhibit “D” Provision:

2. Location

2.02 Where possible, the lease access road locations will follow existing roads or old abandoned roads or pipeline rights-of-way. In such instances, these roads shall be improved and maintained to conform with the specifications for the location, construction, and maintenance of lease access roads.

6. Well-site spacing and placement should attempt to minimize forest fragmentation where possible. For example, in cases where public safety, recreation, aesthetics, and ecological resources are not affected, well-sites could be placed along existing roads or in existing openings to limit the need for new openings and new road construction. Due to *Lease* Provision 8.01 Restrictions, waivers—justified because of greater environmental protection—might be needed in some cases. Per *Lease* Provisions 11.02 and 11.03, spacing is as follows:

Lease Provision:

11. DEVELOPMENT AND WELL SPACING

11.02 Well spacing shall not be closer than one (1) well per six hundred forty (640) acres; should closer spacing be required, written approval must be obtained from Department.

11.03 All requests by Lessee for a waiver of the minimum well spacing in Section 11.02 shall be made in writing to Department, and shall be accompanied by a location map, geological and geophysical data, and the discovery well's reservoir, testing and production data used to justify a closer well spacing development. Department's decision to grant or deny a request will be based on the economic and other benefits to Department and the Commonwealth, and on the environmental effects of the increased "forest fragmentation" which would result from the requested closer well spacing. Compliance with the above procedure shall not be considered as a guarantee of Department's consideration of a waiver of the well spacing requirement.

7. Erosion and Sedimentation Best Management Practices (BMPs), such as those the Bureau of Forestry follows for timber sale road construction and other soil-disturbing activities, apply to all soil-disturbing activities for oil and gas exploration and development.
8. *Lease* Provision 8.01 Restrictions states that no drilling or well-site clearings are permitted within 300 feet of exceptional value (EV) streams. District Foresters should consider applying this restriction to high quality (HQ) streams as well.
9. District Foresters should work with the Minerals Section to add specific restrictions, under *Lease* Provision 8.01 (i) Restrictions, to minimize adverse impacts to specific ecological, aesthetic, recreational, or infrastructure resources. This must be done prior to advertisement of the lease sale.

B. Guidelines for Recreation and Public Safety

1. Lessees must abide by the State Forest Rules and Regulations (attached).
2. Well-site clearing restrictions (*Lease* Provision 8. Restrictions) regarding public-use areas such as picnic areas, trails, vistas, will be enforced to provide for public safety and protection.
3. Public access to dangerous surface structures or equipment (mostly during active drilling operations) should be restricted by posting, gating, and/or fencing to provide for public safety and protection per *Lease* Provision 37.02 and Exhibit "D:"

Lease Provision:

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37. PROTECTION AND CONSERVATION

37.02 Lessee shall construct a fence around all potentially dangerous surface structures or equipment to prevent public access. District Forester shall have the discretion to order such fencing where protection of the public is deemed necessary. All equipment which is unguarded and unfenced shall be posted with hazard warning signs.

Exhibit "D" Provision:

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9. Gates

9.01 All lease access roads must be gated with an approved type of gate (see Sketch F). Authorized gates must be installed during lease operations, and remain after Lease termination. District Forester shall be consulted as to location and time of construction of all gates.

4. For reasons of safety, the District Forester should temporarily remove from the snowmobile trail system joint-use roads used by the lessee during drilling operations or other periods of heavy use.
5. District Foresters should coordinate with lessees the timing of activities to avoid traffic conflicts with the public and to minimize damage to state forest roads. District Foresters should consider suspending activities requiring heavy trucking during:
 - Hunting seasons in late November and early December
 - Periods of heavy public use, such as the beginning of trout season
 - Traditionally wet periods when road damage is most probable

If it is not possible to suspend activities, trucking should be closely monitored during high-use and wet periods. District Foresters should become familiar with *Lease* Exhibit “D”—Oil and Gas Lease Access Road Specifications for State Forest Lands.

6. According to *Lease* Provision 16.28, designated Dark Sky Areas will be protected:

Lease Provision:

July 2002 *Lease*

16. DRILLING

16.28 During well drilling and production operations, in order to reduce night lighting pollution in designated dark sky areas, Lessee is required to utilize drilling rigs equipped with fully shielded lighting consistent with Occupational Safety & Health Administration (OSHA) regulations.

C. Guidelines for Communications and Record-Keeping

1. The Bureau of Forestry's Minerals Section, Ecological Services Section, Operations and Recreation Division, Resource Planning and Information Division, Silviculture Section, and Forest District Offices will openly communicate and provide support when requested to facilitate the *Lease* administration process to minimize adverse impacts and avoid potential conflicts.
2. The Bureau of Forestry will communicate with Lessees to facilitate the *Lease* administration process to minimize impacts and avoid conflicts. The Bureau of Forestry will address and act upon oil and gas Lessee requests in a timely manner.
3. The Bureau of Forestry will continue its cooperative relationship with the DEP's Bureau of Oil and Gas Management. Bureau of Forestry's District Offices will coordinate field inspection activities with DEP's Bureau of Oil and Gas Management Regional Offices, if possible, and District Foresters should become familiar with DEP's *Oil and Gas Operator's Manual*, which provides an overview of statutes, regulations, and recommended practices for oil and gas activities.
4. District Foresters should become familiar with the NPDES permit process for oil and gas operations (DEP Bureau of Watershed Management). Contact the Bureau of Forestry's Recreation Section for information.
5. District Foresters should become familiar with the *Lease* document and its exhibits, and should contact the Minerals Section if any questions arise concerning the interpretation of the *Lease*.
6. A file for each lease shall be created and maintained to include:
 - a. Copies of all correspondence
 - b. A copy of the executed lease
 - c. Plans submitted by lessees, as required by the *Lease*:
 - Seismic surveys
 - Pipelines
 - Roads
 - Well-sites
 - Site-restoration
 - d. Other maps or drawings
 - e. Pennsylvania Natural Diversity Inventory (PNDI) report(s)
 - f. Inspection reports

Inspection Reports will indicate whether or not Lessees have obtained or completed the following required DEP permits and plans. However, it is not necessary to maintain file copies, since they are required to be posted on site.

 - DEP Bureau of Oil and Gas Management's Well Permit
 - National Pollutant Discharge Elimination System (NPDES) Permit
 - Erosion and Sedimentation Control Plan
 - Preparedness, Prevention, and Contingency Plan

D. Guidelines for Seismic Survey Approval and Administration

Once a lease is executed, the lessee may wish to conduct a seismic survey to obtain subsurface geophysical data of the leased area. According to *Lease* Provision 14.01, the Lessee must submit to the District Forester, for approval, a map showing the proposed location of each and every seismic line.

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Lease Provision:

14. SEISMIC SURVEYS

14.01 Lessee, its agents, contractors and subcontractors and employees of contractors and subcontractors shall have the right to conduct seismic surveys over and across the leased premises. Prior to conducting any seismic work, Lessee shall submit to District Forester, for his approval, a map showing the proposed location of each and every seismic line. When Lessee's seismic lines cross State Forest lands not already under lease to him, Lessee must obtain the customary Seismic Survey Agreement from Department. The lease bond required in Section 27 of this lease shall, hereafter, be conditioned in favor of Department for all damages that may arise as a result of said seismic surveys.

Lessees could request approval for several types of seismic surveys using:

- Truck-mounted equipment along existing roads
- ATV-type vehicle or small tractor for cross-country surveys
- Helicopter-based equipment for cross-country surveys

The following guidelines apply to approving and administering requests for seismic surveys:

1. District Foresters and the Minerals Section will advise lessees to submit seismic survey requests as soon as possible to reduce the possibility of delaying lessees' operations.
2. The Bureau of Forestry will make every reasonable attempt to grant approval for seismic surveys within 30 days of receiving the request, or by a specific date indicated by the lessee if the request was submitted with more than 30 days notice.
3. The District Forester will notify the Minerals Section of the request.
4. The District Forester will request of the lessee any GPS/GIS data of the proposed seismic lines or shot-holes. This data will be used to review potential impacts to ecological, cultural, and recreational resources.

5. The District Forester will check the list of Compartments referencing archeological sites per the Bureau of Forestry's agreement with the Pennsylvania Historical and Museum Commission. If a listed Compartment is affected, the District Forester will contact the Silviculture Section per standard operating procedures.
6. The District Forester will submit copies of the lessee's map(s), GPS/GIS data, and other relevant information on the area of concern to the Ecological Services Section, which will conduct an initial ecological evaluation of the proposed activity. This evaluation will consider, but is not limited to:
 - PNDI data and review(s)
 - GIS ecological data
 - Other ecological data or information
 - Time constraints (approximately 30 days for approval)
 - Length of the seismic lines
 - Size of the area for 3-D seismic requests
 - Spacing of shot-holes
 - Character of the landscape
 - District's and Ecological Services Section's familiarity with the area's resources
7. Based on the initial ecological evaluation, the Ecological Services Section could recommend to the District Forester to approve the request and coordinate the seismic survey activity with the lessee in a manner that avoids or minimizes disturbance to the following ecological resources that might be encountered:
 - Rare plants and animals
 - Unique habitats
 - Vernal ponds
 - Spring Seeps
 - Scrub oak/pitch pine communities
 - Scree slopes/talus/boulder fields
 - Sunny rock outcroppings
 - Caves
 - Wetlands
 - Cliffs
 - Exposed limestone or shale
 - Stands of at least 100 trees with diameter at breast height > 30 inches
 - Herbaceous openings in high-quality forage
 - Other unusual features

In addition to the referenced ecological resources, the District Forester will coordinate seismic survey activities with lessees to avoid or minimize disturbance to cultural resources and recreational and other uses of state forest land.

Number 8 below addresses the process for situations when the Ecological Services Section recommends that professionals with specialized expertise in ecological resources conduct a field assessment of the proposed seismic activity.

8. In consultation with the District Forester, and based on the results of the initial ecological evaluation, the Ecological Services Section could recommend that a field assessment of ecological resources be conducted by professionals with specialized expertise in ecological resources. Several options exist, including assessments conducted by:

- a. Ecological Services Section staff.
- b. PNDI contractors (The Nature Conservancy and Western Pennsylvania Conservancy).
- c. Qualified biologist (approved by the Bureau of Forestry) hired by the lessee.

NOTE: Ecological assessments should not occur if there is two inches or more of snow cover.

9. The Ecological Services Section will provide oversight of the assessment and will provide instructions and a list of resources and features that will be considered in the assessment. The Lessee will be invited to accompany the persons conducting the assessment.
10. Persons conducting the assessment will report the results to the Ecological Services Section, the District Forester, the Lessee, and the Minerals Section. The Ecological Services Section will evaluate potential conflicts.
11. If the Ecological Services Section identifies a conflict, DCNR will facilitate a resolution, or if no conflicts are identified, the Ecological Services Section will notify the District Forester so that approval can be granted and seismic activity can begin, per number seven above.

E. Guidelines for Well-Site Approval and Administration

Lease Provision 16. indicates that Lessees must submit maps to the District Forester for well-site approval:

<i>Lease</i> Provision:	July 2002 <i>Lease</i>
16. DRILLING	
16.01 Lessee shall submit to Department and to District Forester for their approval as to location, a plat showing the location of each well before drilling thereof is commenced, and no well shall be commenced until a permit has been issued by the Department of Environmental Protection's Bureau of Oil and Gas Management.	

Lease Exhibit "B" Provision 9. indicates that Lessees must provide ninety (90) days advance notice to District Foresters before conducting operations that will affect forest growth:

Exhibit "B" Provision:	July 2002 <i>Lease</i>
9. <u>Forest Growth</u>	
9.01 Lessee shall not cut, injure, destroy, or remove any forest growth, except that which shall be absolutely unavoidable in conducting its operations and shall obtain proper approval of District Forester ninety (90) days before removal is to be commenced. The full ninety (90) days prior notice may be reduced upon the discretion of District Forester.	

The following guidelines apply to approving and administering well-site requests. Numbers 1 through 11 address the process for approving well-site requests and numbers 12 through 19 address administrative tasks once a well-site has been approved.

1. The District Forester will notify the Minerals Section of the request.
2. The District Forester will request of the lessee any GPS/GIS data of the proposed well-site. This data will be used to review potential impacts to ecological, cultural, and recreational resources.
3. The District Forester should conduct a preliminary evaluation of the proposed well-site, which at a minimum will include:

- A. A check to ensure that the Lessee has obtained the required permit issued by the Department of Environmental Protection's Bureau of Oil and Gas Management, per *Lease* Provision 16. Drilling. However, to reduce the turn-around time for lessee requests, District Foresters could grant approval for well-sites before the lessee obtains the permit—but construction activities will not begin until the permit is secured.
- B. A check to ensure that the Lessee has prepared an approved Soil Erosion and Sedimentation Control Plan as required by the Department of Environmental Protection's Bureau of Watershed Management per *Lease* Provision 7.02 Operations. However, as in "A" above, approval could be granted for the location, but construction activities will not begin until the Plan is completed.
- C. A check of Compartments referencing archeological sites per the Bureau of Forestry's agreement with the Pennsylvania Historical and Museum Commission. If a listed Compartment is affected, the District Forester will contact the Silviculture Section per standard operating procedures.
- D. An office review of *Lease* Provision 8. Restrictions:

Lease Provision:

8. RESTRICTIONS

8.01 Under Department's multiple use policy, the leased premises continuously used for recreation, conservation and other purposes; and many Department authorized activities may be in progress on the lands. Hence, Lessee shall conduct its operations so as to minimize interference with the other Department authorized activities on these State Forest lands and shall comply with the following restrictions.

- (a) No drilling or wellsite clearing within 200 feet of any building.
- (b) No drilling or wellsite clearing is permitted within 200 feet of any stream or body of water.
- (c) No drilling or wellsite clearing is permitted within 300 feet of any exceptional value (EV) stream or body of water. (As defined by the Environmental Quality Board)
- (d) No drilling or wellsite clearing is permitted within 330 feet of any picnic area or sheltered area which has been so designated by Department.
- (e) No drilling or wellsite clearing is permitted within 330 feet of any trail, road or existing right-of-way.
- (f) No drilling or wellsite clearing is permitted within 330 feet of any area of historic value, tree plantation, overlook, vista or fire tower site.
- (g) No drilling or wellsite clearing is permitted within 330 feet of the boundary line of the leased premises.
- (h) No drilling or wellsite clearing is permitted within 660 feet of the boundary line of State Park lands or of designated Wild and Natural Areas on State Forest lands.
- (i) In addition, the following specific restrictions for this lease shall also apply:

At the time of issuance of this lease agreement there were no specific restrictions identified by the Department on the leased premises. However, due to the changing nature of the Department's environmental databases, such as the Pennsylvania Natural Diversity Index (PNDI), Lessee should check with the District Forester before any construction project is initiated to avoid potential conflicts.

8.02 Upon written request by Lessee, Department may waive, in writing, any portion of the above restrictions if, in Department's judgment, such a waiver is justified and in its best interests.

8.03 No oil and gas activity of any kind, including but not limited to drilling, seismic exploration, and pipeline or road construction, shall be permitted, nor shall they be subject to waivers, on the surface of State Parks or State Forest Wild or Natural Areas.

4. Considering the preliminary evaluation, the District Forester has the discretion to disapprove the request for a specific location, or begin the process of conducting a more in-depth review, which is described beginning with number five below.
5. The District Forester will submit copies of the lessee's map(s), GPS/GIS data, and other relevant information on the area of concern to the Ecological Services Section, which will conduct an initial ecological evaluation of the proposed well-site. This evaluation will consider, but is not limited to:
 - PNDI data and review(s)
 - GIS ecological data
 - Other ecological data or information

- Time constraints (less than 90 days for final approval)
 - Relation to access road(s) and pipeline(s)
 - Character of the landscape
 - District's and Ecological Services Section's familiarity with the area's resources
6. Based on the initial ecological evaluation, the Ecological Services Section could recommend to the District Forester to conduct a field assessment of the ecological resources listed below. The Ecological Services Section will provide oversight, instructions, and a list of resources and features that will be considered in the assessment. If no potential conflicts emerge from the District Forester's assessment, the District Forester can approve the request and coordinate well-site activities with the lessee. If the assessment reveals potential conflicts, the District Forester will advise the Ecological Services Section (refer to Number seven below).
- Rare plants and animals
 - Unique habitats
 - Vernal ponds
 - Spring Seeps
 - Scrub oak/pitch pine communities
 - Scree slopes/talus/boulder fields
 - Sunny rock outcroppings
 - Caves
 - Wetlands
 - Cliffs
 - Exposed limestone or shale
 - Stands of at least 100 trees with diameter at breast height > 30 inches
 - Herbaceous openings in high-quality forage
 - Other unusual features

NOTE: Ecological assessments should not occur if there is two inches or more of snow cover.

In addition to the referenced ecological resources, the District Forester will coordinate well-site activities with lessees to avoid or minimize disturbance to cultural resources and recreational and other uses of state forest land. Refer to Number 12 below for administrative tasks that occur after the well-site has been approved by the District Forester and the Ecological Services Section.

Number 7 below addresses the process for situations when the Ecological Services Section recommends that professionals with specialized expertise in ecological resources conduct the field assessment.

7. In consultation with the District Forester, and based on the results of the initial ecological evaluation, the Ecological Services Section could recommend that a field assessment of ecological resources be conducted by professionals with specialized

expertise in ecological resources. Several options exist, including assessments conducted by:

- a. Ecological Services Section staff.
 - b. PNDI contractors (The Nature Conservancy and Western Pennsylvania Conservancy).
 - c. Qualified biologist (approved by the Bureau of Forestry) hired by the lessee.
8. The Ecological Services Section will provide oversight of the assessment and will provide instructions and a list of resources and features that will be considered in the assessment. The Lessee will be invited to accompany the persons conducting the assessment.
 9. Every reasonable attempt will be made to complete the assessment in a timely manner (less than 90 days).
 10. Persons conducting the assessment will report the results to the Ecological Services Section, the District Forester, the Lessee, and the Minerals Section. The Ecological Services section will evaluate potential conflicts.
 11. If the Ecological Services Section identifies a conflict, DCNR will facilitate a resolution, or if no conflicts are identified, the Ecological Services Section will notify the District Forester so that approval can be granted and well-site activities can begin, per number six above.
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12. Once the well-site location is determined to be satisfactory, then District Forester faxes (followed by original hardcopy) the Minerals Section an approval letter, which is forwarded to the State Forester's office.
 13. The State Forester sends an approval letter to the Lessee with a copy to the District Forester.
 14. Per *Lease* Exhibit "B" 9. Forest Growth, the District Forester marks and determines the stumpage value of the timber on the well-site location, and accompanying access road and pipeline if necessary, and bills the lessee for double stumpage value, or \$5,000.00 per acre, whichever is greater. The lessee is required to remove all commercial trees from state forest land, or dispose of them at a designated area on state forest land.

Exhibit "B" Provision:

9. Forest Growth

9.01 Lessee shall not cut, injure, destroy, or remove any forest growth, except that which shall be absolutely unavoidable in conducting its operations and shall obtain proper approval of District Forester ninety (90) days before removal is to be commenced. The full ninety (90) days prior notice may be reduced upon the discretion of District Forester.

9.02 Lessee, under the direction of Department, shall dispose of all tree tops, limbs, brush, slash, and any other forest growth not to be sold or utilized by Department or Lessee which have resulted from clearing operations from strip mine sites, well sites, access roads, pipeline rights-of-way, and other construction sites, according to a plan approved by District Forester.

9.03 Lessee shall dispose of all tree stumps and large rocks resulting from its clearing and construction operations using a plan approved by District Forester.

9.04 Lessee shall pay Department for all forest growth cut or injured on State Forest land as a result of Lessee's operations, regardless of the ownership of the oil, gas, mineral, or surface support rights. Even though Department has been paid for the damage by Lessee, the title to all forest growth will still belong to the Commonwealth, except as provided in Paragraph 9.06. Damage is defined as the cutting or injuring of the forest growth by clearing a site so that personnel and equipment can be brought onto the location to establish a base from which Lessee can undertake its operation.

9.05 Prior to the clearing of the forest growth by Lessee, District Forester will mark and/or designate the area from which forest growth will be removed. The value of the forest growth that will be cut or damaged for the clearing of a road, drilling site, or area to be mined, will be determined by Department based upon timber type, size, and market data, or upon replacement value, for young stands or plantations. Lessee shall then be invoiced for the value as determined by Department. Payment to Department of said invoice must be made before any forest growth may be cut or damaged.

9.06 Lessee shall pay for the forest growth damage at two (2) times its value, as determined by Department; the forest growth shall then become Lessee's property, which then must be removed and sold by Lessee as job requirements dictate. Ownership of the forest growth, not removed and sold by Lessee under this subsection, shall revert to Department six (6) months after invoicing unless modified in writing by District Forester. The minimum forest growth damage charge shall be FIVE THOUSAND DOLLARS (\$5,000.00) per acre or as determined above whichever is greater.

15. Per *Lease* Exhibit "B" 2. Protection of Property and Operations and Exhibit "D" 2. Location Provision 2.04, lessees must advise District Foresters when operations will begin.

Exhibit “B” Provision:

2. Protection of Property and Operations

2.01 Lessee shall not use or allow to be used the State Forest lands for any other purpose than that authorized by this lease. District Forester² will be advised when operations begin and end. Any changes in the original plans, which may be necessary subsequent to the beginning of operations, must be approved by District Forester and Lessor.

Exhibit “D” Provision:

2. Location

2.04 The District Forester must be notified five (5) working days prior to start of any road construction, improvement or maintenance so that the District Forester can make arrangements to be available when actual work begins in order to correct any misunderstanding regarding the road location or road work.

16. If possible, the guidelines for wildlife habitat improvement listed on page 27 should be followed during construction activities.
17. Sanitation and appearance of the site shall be maintained—*Lease* Exhibit “B” 1. Environmental Quality Control and 14. Appearance. District Foresters could request that lessees provide toilet facilities for well-sites that will be occupied for extended periods.

Exhibit “B” Provisions:

1. Environmental Quality Control

1.09 Lessee shall strictly adhere to all rules and regulations for collection, removal, transportation, and disposal of solid wastes. Littering of the leased premises will not be permitted.

14. Appearance

14.01 Lessee shall, at all times, maintain State Forest lands in a neat and presentable manner, removing all rubbish and debris as it accumulates and restoring each individual area or facility within thirty (30) days to as near as possible its original condition as directed by District Forester.

18. The District Forester should conduct weekly (if possible) inspections during any active construction, unless problems or weather conditions dictate otherwise. Refer to the Guidelines for Conducting Field Inspections for additional information.
19. It should be noted that this approval process for well-sites could be happening simultaneously with requests for accompanying access roads and pipelines.

F. Guidelines for Road and Pipeline Approval and Administration

Lease Provisions 15. Pipelines, 37. Protection and Conservation, and Exhibit “D” 1.03 and 2.01 indicate that Lessees must submit maps to the District Forester for pipeline and access road approval:

July 2002 *Lease*

Lease Provisions:

15. PIPELINES

15.01 Lessee is herewith granted the right to lay any necessary pipelines on or under the leased premises; however, a route map for each line shall be submitted to District Forester for his approval as to location prior to the laying of that line. Where Lessee’s pipelines cross State Forest land not already leased to Lessee, Lessee must enter into the customary pipeline right-of-way agreement with Department.

37. PROTECTION AND CONSERVATION

37.03 Lessee covenants and agrees to conduct all operations in such a manner as to comply with the provisions set forth in the OIL AND GAS LEASE ACCESS ROAD SPECIFICATIONS FOR STATE FOREST LANDS, identified as Exhibit “D,” attached hereto and made a part hereof.

Exhibit “D” Provisions:

1. Lease Road Definitions and Specifications

1.03 Lessee shall not construct or improve any roads or clear any drilling sites, without prior approval from District Forester¹, who shall set forth the type and grade of roads and area to be cleared. Access roads shall be held to a maximum grade of ten percent (10%). However, if steeper grades are necessary, written approval must be obtained from District Forester prior to their construction.

2. Location

2.01 Lease access roads, including all installations which Lessee shall complete at his expense prior to the start of drilling operations, shall be located and designated on the ground by District Forester, and on a Topographic Map, scale 1 inch = 2,000 feet or any road construction map, of larger scale, which Lessee has provided. A copy of said map must be provided to District Forester prior to construction.

Lease Exhibit “B” Provision 9. indicates that Lessees must provide ninety (90) days advance notice to District Foresters before conducting operations that will affect forest growth:

July 2002 *Lease*

Exhibit “B” Provision:

9. Forest Growth

9.01 Lessee shall not cut, injure, destroy, or remove any forest growth, except that which shall be absolutely unavoidable in conducting its operations and shall obtain proper approval of District Forester ninety (90) days before removal is to be commenced. The full ninety (90) days prior notice may be reduced upon the discretion of District Forester.

The following guidelines apply to approving and administering road and pipeline requests. Numbers 1 through 11 address situations when PNDI reviews result in no potential conflicts. Numbers 12 through 18 address situations when PNDI reviews result in a potential conflict.

1. The District Forester has the discretion to disapprove the request for a specific location, or begin the process of conducting a review (beginning with Number 2 below) of the proposed road or pipeline activity.
2. The District Forester will request of the lessee any GPS/GIS data of the proposed well-site. This data will be used to review potential impacts to ecological, cultural, and recreational resources.
3. The District Forester will check the list of Compartments referencing archeological sites per the Bureau of Forestry’s agreement with the Pennsylvania Historical and Museum Commission. If a listed Compartment is affected, the District Forester will contact the Silviculture Section per standard operating procedures.
4. The District Forester will conduct a PNDI review of the proposed road or pipeline. If the PNDI review results in a potential conflict, refer to Number 12 below. If the PNDI results in no potential conflicts, the District Forester may approve the request and coordinate the road or pipeline construction activities with the lessee in a manner that avoids or minimizes disturbance to the following ecological resources:
 - Rare plants and animals
 - Unique habitats
 - Vernal ponds
 - Spring Seeps
 - Scrub oak/pitch pine communities
 - Scree slopes/talus/boulder fields

- Sunny rock outcroppings
- Caves
- Wetlands
- Cliffs
- Exposed limestone or shale
- Stands of at least 100 trees with diameter at breast height > 30 inches
- Herbaceous openings in high-quality forage
- Other unusual features

In addition to the referenced ecological resources, the District Forester will coordinate road and pipeline activities with lessees to avoid or minimize disturbance to cultural resources and recreational and other uses of state forest land.

5. Per Exhibit “D” Provision 2.02, wherever possible, access roads should utilize existing state forest roads and pipelines should be constructed along new access roads, existing state forest roads, or existing rights-of-way to reduce forest fragmentation:

<p>Exhibit “D” Provision:</p> <p>2. <u>Location</u></p> <p>2.02 Where possible, the lease access road locations will follow existing roads or old abandoned roads or pipeline rights-of-way. In such instances, these roads shall be improved and maintained to conform with the specifications for the location, construction, and maintenance of lease access roads.</p>	<p>July 2002 <i>Lease</i></p>
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6. Erosion and sedimentation BMPs, which the Bureau of Forestry follows for timber sale road construction and other soil-disturbing activities, apply to all soil-disturbing activities for oil and gas exploration and development, per *Lease* Exhibit “D.”
7. Per *Lease* Exhibit “B” 9. Forest Growth, the District Forester marks and determines the stumpage value of the timber on the road or pipeline and bills the lessee for double stumpage value, or \$5,000.00 per acre, whichever is greater. The lessee is required to remove all commercial trees from state forest land, or dispose of them at a designated area on state forest land. Refer to the box on page 18 that references the Forest Growth provision in *Lease* Exhibit “B.”
8. Per *Lease* Exhibits “B” 2. Protection of Property and Operations and Exhibit “D” 2. Location Provision 2.04:

Exhibit “B” Provision:

2. Protection of Property and Operations

2.01 Lessee shall not use or allow to be used the State Forest lands for any other purpose than that authorized by this lease. District Forester² will be advised when operations begin and end. Any changes in the original plans, which may be necessary subsequent to the beginning of operations, must be approved by District Forester and Lessor.

Exhibit “D” Provision:

2. Location

2.04 The District Forester must be notified five (5) working days prior to start of any road construction, improvement or maintenance so that the District Forester can make arrangements to be available when actual work begins in order to correct any misunderstanding regarding the road location or road work.

9. If possible, the guidelines for wildlife habitat improvement listed on page 27 should be followed during construction activities.
10. The District Forester should conduct weekly (if possible) inspections during any active construction, unless problems or weather conditions dictate otherwise. Refer to the Guidelines for Conducting Field Inspections for additional information.
11. It should be noted that this approval process for roads and pipelines could be happening simultaneously with requests for the accompanying well-site(s).

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12. If the PNDI review results in a potential conflict, the District Forester will contact the Ecological Services Section.
 13. The Ecological Services Section will evaluate the PNDI review results to determine if a field assessment is necessary. If a field assessment is not necessary, the Ecological Services Section will notify the District Forester, who will then grant approval for the road or pipeline and proceed as outlined in number four above.
 14. Based on the PNDI review results, the Ecological Services Section could recommend that a field assessment be conducted by professionals with specialized expertise in ecological resources. Several options exist, including assessments conducted by:
 - a. Ecological Services Section staff.

- b. PNDI contractors (The Nature Conservancy and Western Pennsylvania Conservancy).
 - c. Qualified biologist (approved by the Bureau of Forestry) hired by the lessee.
15. The Ecological Services Section will provide oversight of the assessment and will provide instructions and a list of resources and features that will be considered in the assessment. The Lessee will be invited to accompany the persons conducting the assessment.
 16. Every reasonable attempt will be made to complete the assessment in a timely manner (less than 90 days).
 17. Persons conducting the assessment will report the results to the Ecological Services Section, the District Forester, the Lessee, and the Minerals Section. The Ecological Services section will evaluate potential conflicts.
 18. If the Ecological Services Section identifies a conflict, DCNR will facilitate a resolution, or if no conflicts are identified, the Ecological Services Section will notify the District Forester so that approval can be granted and road or pipeline activities can begin, following the guidelines beginning with number four above.

G. Guidelines for Site Restoration and Wildlife Habitat Improvement

1. *Lease* Provision 21. Removal and 22. Release address lessees' responsibilities regarding site restoration and release from the lease agreement.

July 2002 *Lease*

Lease Provisions:

21. REMOVAL

21.01 Lessee shall have six (6) months after termination, abandonment, or surrender of the lease, or any part thereof, in which to plug and abandon all wells, remove all buildings, machinery, wells, equipment, structures, unused pipelines, rubbish, and debris resulting from Lessee's operations, to fill and level all pits, and to the extent practicable, to restore the property to the same condition as when received.

22. RELEASE

22.01 Lessee shall not be granted a final release from the terms of this lease until District Forester has met with Lessee's field engineer or other representative on the ground, inspected the premises, and received a signed statement of release from Department indicating the proper cleanup has been completed.

2. *Lease* Exhibit "B" provisions 9. Forest Growth and 16. Restoration and Revegetation give District Foresters authority for approving and administering site restoration practices on all sites.

July 2002 *Lease*

Exhibit "B" Provisions:

9. Forest Growth

9.07 Lessee shall, at direction of District Forester and at its own expense, secure, plant and maintain grasses and/or trees or shrub seedlings and/or game foods on all strip mine sites, well sites, access roads, pipeline rights-of-way and other cleared areas using a plan approved by District Forester. Timing shall be determined by District Forester. Revegetation should be periodically maintained (i.e., liming or fertilizing).

16. Restoration and Revegetation

16.01 Restoration and revegetation shall be accomplished in accordance with Lessee's reclamation revegetation plan as approved in advance by District Forester in advance.

3. *Lease* Exhibit “D” provisions 8. Retirement and Abandonment, 9. Gates, and 11. Seeding give District Foresters authority for approving and administering road retirement and abandonment:

Exhibit “D” Provisions:		July 2002 <i>Lease</i>
8.	<u>Retirement and Abandonment</u>	
8.01	Surface of roads shall be graded to eliminate any wheel ruts. Fenders and high outside shoulders shall be removed.	
8.02	All bridges, drain pipes, and culvert pipes installed by Lessee shall be removed at Lessee’s expense when no longer needed unless Lessee is notified otherwise by the District Forester.	
8.03	When culverts are removed, they shall be replaced by earth or log water bars (see Sketch E).	
8.04	All drainage ways shall be opened and deepened so as to handle storm waters. Seeding to a grade cover for an immediate erosion control shall be completed as required herein.	
8.05	Additional water bars shall be installed if required by District Forester.	
8.06	The above-listed provisions shall be carried out as each lease access road or portions thereof are abandoned rather than waiting until all development operations have been completed. If well is temporarily abandoned awaiting completion operations (i.e., fracking, acidizing, perforating, drilling deeper), the road should be retired in a manner and at a time as specified by the District Forester.	
9.	<u>Gates</u>	
9.01	All lease access roads <u>must</u> be gated with an approved type of gate (see Sketch F). Authorized gates must be installed during lease operations, and remain after Lease termination. District Forester shall be consulted as to location and time of construction of all gates.	
11.	<u>Seeding</u>	
11.01	All roads on the Lease are to be limed, fertilized, and seeded to a grass cover as per the requirements of this Lease as outlined in Lessee’s Erosion and Sedimentation Plan.	

4. District Foresters will survey restored well-sites, roads, and pipelines for invasive plants one year after restoration. If invasive plants are found, the District Forester will require the lessee to remove the invasive plant(s).
5. In addition to the above-referenced Lease provisions, as well as the guidelines for retiring timber sale haul roads and log landings, District Foresters should also follow the following recommendations for improving wildlife habitat during construction and site restoration activities:

- A. Soil should be banked for redistribution across the scarified opening following construction.
- B. Construction debris, such as rocks and stumps, should be pushed to the edge of the opening.
- C. If possible, rocks and stumps should be piled along the north or northeast edge of the clearing to maximize solar gain for use by rattlesnakes as basking areas. Also, if large, flat boulders are present, they should be placed flat (on the horizontal axis) with a cavity beneath them, whenever possible.
- D. A transition zone should be allowed to develop into brushy areas on the edge of clearings.
- E. Well-sites, roads, and pipelines should be constructed large enough to accommodate the Lessee's needs. However, unnecessary disturbance should be minimized.
- F. Native grasses (species should be approved by Ecological Services Section) should be planted on the clearings to increase potential habitat for species such as M. pennsylvanicus (meadow vole) and other species.
- G. If necessary and possible, a runoff collection basin (per the Erosion and Sedimentation Control Plan) should be constructed along the down-slope edge of the opening to catch silt and eventually become a temporal pond. This depression should be lined with clay, if available on-site.
- H. After drilling and associated operations are completed, no more than one-half of the opening should remain in herbaceous cover. Exceptions could be made in the elk range in areas where herbaceous habitat is lacking.
- I. If evergreen cover is lacking in the area, up to one-half of the opening should be converted to evergreen plantings.
- J. Planted species should be native to Pennsylvania. Possibilities include aspen, viburnums, silky dogwood, American hazelnut, white pine (where it is deficient), staghorn sumac (if it can be planted successfully), fox grape, American chestnut (when it becomes available), American yew, red and black-berried elder, and others. Herbaceous cover could include milkweed, native wildflowers, legumes, and perennial grasses—according to seed mixes recommended by the Ecological Services Section. Non-invasive, non-native species may be planted for wildlife habitat with approval from the Ecological Services Section. Deer-deterrent fencing may be required around some of the tree, shrub, and herbaceous plantings to successfully establish them on the site. Care should be used selecting species to plant to avoid complications, such as the tendency of switch grass to build heavy fire fuel loads (species should be approved by Ecological Services Section).

H. Guidelines for Conducting Field Inspections

1. District Foresters will conduct weekly (if possible) inspections during any active construction, as well as a final inspection for site restoration, unless problems or weather conditions dictate otherwise.
2. If possible, District Foresters will coordinate field inspection activities with DEP Bureau of Oil and Gas Management Regional Offices.
3. District Foresters should become familiar with and follow DEP Oil and Gas Management Program's *Safety Standard Operating Procedures* when inspecting active oil and gas operations. District Foresters should check in with the Lessee or operator and always be accompanied by the Lessee or operator.
4. The following two pages will serve as a form for recording observations while conducting field inspections. A separate form should be established and maintained for each lease; additional copies should be made as necessary. The inspection form addresses 29 items in four main subject areas:
 - Safety and Recreation
 - Permits and Information
 - Environmental Control
 - Property Protection

The first page of the form contains a check box for each of the 29 items. If unsatisfactory conditions are observed, items should be marked with "X." An explanation of the condition and necessary corrective action(s) should be noted on page two. Additionally, specific items should be marked with "X" to indicate completion of activities, including site restoration, per the *Lease* Provisions and guidelines pertaining to site restoration referenced in this document.

Note: Surveys for invasive species (Inspection Item Number 23) should be completed one year after site restoration has been completed.

Commonwealth of Pennsylvania
Department of Conservation and Natural Resources
Bureau of Forestry

Oil and Gas Operations Field Inspection Form

Inspections should be conducted weekly (if possible) during active construction projects (roads, pipelines, and well-sites), unless problems or weather conditions dictate otherwise. Enter information for each inspection.

Name of Lessee: _____ Lease Contract Number: _____

Inspect each item listed below. Mark "X" if unsatisfactory and explain on the back of this form—or mark "X" if activities completed and site restoration approved.														
Date construction activities began:		Inspected by (initials):												
		Dates Inspected:												
Safety and Recreation	1. Public-use roads safe for public travel													
	2. Gates appropriately opened or closed													
	3. Dangerous equipment posted or fenced													
	4. Dangerous areas posted or fenced													
	5. Other potential safety hazards													
	6. Other impacts to recreational uses													
Permits and Information	7. DEP Well Permit posted on site													
	8. NPDES Permit posted on site													
	9. E & S Control Plan posted on site													
	10. PPC Plan posted on site													
	11. Well identification information posted													
	12. Other													
Environmental Control	13. Public-use road conditions													
	14. Access road conditions													
	15. Well-site conditions													
	16. Pipeline conditions													
	17. Skidding operations													
	18. Log landing conditions													
	19. Stream conditions													
	20. Other erosion problems													
	21. Wildlife habitat impacts													
	22. Other environmental impacts													
	23. Invasive species (one year after restoration)													
Property Protection	24. Damage to forest growth													
	25. Damage to infrastructure													
	26. Artifacts protected if discovered													
	27. Fire protection													
	28. Sanitation of site(s)													
	29. Other damages or problems													

State Forest Rules and Regulations

8130-FM-FR0092 1/99

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

CHAPTER 21. GENERAL PROVISIONS

Authority

The provisions of this Chapter 21 issued under Section 313 of the Conservation and Natural Resources Act (71 P.S. § 1340.313); and the Crimes Code, 18 Pa.C.S. §§ 7505 and 7506, unless otherwise noted.

PRELIMINARY PROVISIONS

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

Camping—Overnight lodging using standard camping equipment.

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

District Forester—The Department's Bureau of Forestry employee so designated.

Group activity—An organized activity occurring as a scheduled event and requiring a large land area or unique land formation and which may conflict with normal or traditional uses or pose a potential environmental problem.

State Forest land—Land which is owned or leased by the Commonwealth and which is administered by the Bureau of Forestry.

§ 21.2. Scope. This chapter applies to State Forest land.

§ 21.3. Violations.

(a) A person is guilty of a summary offense under 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic) if that person commits an act which is prohibited by § 21.21 (relating to motor vehicles).

(b) A person is guilty of a summary offense under 18 Pa.C.S. § 7506 (relating to violation of rules regarding conduct on Commonwealth property) if that person commits an act which is prohibited by this chapter other than those in subsection (a).

§ 21.4. Closure.

(a) Areas or portions of a State Forest or State Forest facilities may be closed or restricted to certain uses by the District Forester or a designee.

(b) The public will be informed of the closed or restricted areas or facilities by any form of communication, which may include posted signs, or by fencing or other enclosure manifestly designed to exclude intruders.

(c) Violation of the closure or restriction notices under subsection (b) is prohibited.

BOATING

§ 21.11. Use. All waters on State Forest land are open for the operation of watercraft unless posted as closed.

§ 21.12. Mooring and launching.

(a) Overnight mooring or storage of watercraft from November 15 through March 31 is prohibited except on lands leased from the Commonwealth. This prohibition does not apply to canoes, kayaks, rafts and other paddle-powered small boats stored overnight at the operator's campsite.

(b) The launching or mooring of watercraft on waters in State Forests requires the appropriate valid State Recreation Area Watercraft Permit affixed aft of amidship on the starboard—right—side.

(c) A current Fish and Boat Commission number and certificate of watercraft registration permits daily launching only.

(d) The Department will establish a schedule of fees for mooring and launching permits. This schedule and any subsequent revisions will be effective upon publication in the *Pennsylvania Bulletin*.

(e) Small, hand-carried boats, rafts and canoes may be launched from any point on the shoreline. Boats on trailers may be launched only at designated launch areas.

(f) Boat mooring is restricted to designated mooring areas.

§ 21.13. Motorized boats. Only electric motors may be used for propulsion of motorized watercraft.

MOTORIZED VEHICLES

§ 21.21. Motor vehicles.

(a) This section pertains to motor vehicles other than those addressed

in §§ 21.22, 21.23 and 21.23a (relating to snowmobiles; trail bikes and other motorized off-road vehicles; and all-terrain vehicles).

(b) Operation of motor vehicles on State Forest land in the following manners is prohibited:

(1) Operation of a motor vehicle in careless disregard for the safety of persons or property, or in excess of posted speed limits or, where no speed limit is posted, in excess of 25 miles per hour.

(2) Driving on roads, trails or other areas not specifically designated and posted for motor vehicle traffic unless authorized in writing by the District Forester or a designee.

(3) The use of State Forest roads for commercial purposes without a road use agreement from the Department. An individual or corporation whose property adjoins State Forest land is not required to obtain a road use agreement to use State Forest roads for incidental commercial purposes to make deliveries to the property.

(4) Operating unlicensed, unregistered or uninspected motor vehicles on State Forest land.

§ 21.22. Snowmobiles.

(a) Snowmobiling is permitted in accordance with 75 Pa.C.S. Chapter 77 (relating to snowmobiles) and this section.

(b) Snowmobiles may be operated only on designated snowmobile roads, designated trails and designated and posted areas on State Forest land.

(c) Snowmobiles may be operated on State Forest land from the day following the last day of regular or extended antlerless deer season as established by the Game Commission through the following April 1, or earlier, as determined by the District Forester.

(d) Operation of snowmobiles on a road, trail or area not specifically designated and posted for snowmobile use or at any time of year other than that in subsection (c) is prohibited.

§ 21.23. Trail bikes and other motorized off-road vehicles. This section pertains to motorized off-road vehicles other than those addressed in §§ 21.22 and 21.23a (relating to snowmobiles; and all-terrain vehicles).

(1) Trail bikes and other motorized off-road vehicles may be operated only on roads, trails or other areas that have been specifically designated and posted for their use.

(2) Trail bikes and other motorized off-road vehicles may be operated only during the times of year authorized by the Department's Bureau of Forestry by posted signs.

§ 21.23a. All-terrain vehicles.

(a) The operation of all-terrain vehicles is permitted in accordance with 75 Pa.C.S. Chapter 77 (relating to all-terrain vehicles) and this section.

(b) All-terrain vehicles may be operated only on designated and posted roads, trails and other areas.

(c) All-terrain vehicles may be operated on State Forest land from the Friday before Memorial Day through the last full weekend in September, and from the day following the last day of the regular or extended antlerless deer season as established by the Game Commission through the following April 1.

§ 21.24. Spark arrestors. Operation of any motorized vehicle, all-terrain vehicle, trail bike or other motorized off-road vehicle in, on or through State Forest land without a fully functional spark arrestor is prohibited.

§ 21.25. Parking.

(a) Parking a motor vehicle, all-terrain vehicle, snowmobile, trail bike, other motorized off-road vehicle, boat trailer, camp trailer or other equipment which obstructs a gate, road, trail, footpath, bicycle path, access way, drinking fountain, entrance, exit or road turnaround on State Forest land is prohibited.

(b) A person may not park a vehicle in a parking area on State Forest land designated for handicapped persons, unless the vehicle bears a handicapped or severely disabled veteran registration plate or displays a handicapped or severely disabled veteran parking placard, in accordance with 75 Pa.C.S. §1338 (relating to handicapped plate and placard), and the vehicle is operated by or for the transportation of a handicapped person or a severely disabled veteran.

(c) Violations of this section will be handled as follows:

(1) Prior to the filing of a citation charging a summary offense under

this section, the Department may issue a parking ticket, which will be handed to the violator or placed on the windshield of the violator's vehicle. The violator may avoid criminal proceedings by paying a fine to the Department, equivalent to the maximum fine as provided in 18 Pa.C.S. § 7505 (relating to violation of governmental rules regarding traffic), within 5 days of the violation in the manner specified on the ticket.

(2) When a parking ticket has been issued, the Department may institute criminal proceedings only upon failure of the violator to pay the fine in accordance with the time limit specified in paragraph (1) and in the manner specified on the ticket.

(3) When a parking ticket has not been issued, the Department may institute criminal proceedings by issuing a citation.

FOREST PRODUCTS

§ 21.31. **Prohibitions.** The following activities are prohibited:

(1) Cutting, picking, digging, damaging or removing, in whole or in part, a living or dead plant, vine, shrub, tree or flower on State Forest land without written authorization of the District Forester or a designee, except that edible wild plants or plant parts may be gathered without authorization if they are gathered for one's own personal or family consumption. Dead and down wood for small campfires may be gathered without prior authorization.

(2) Removing rocks, shale, sand, clay, soil or other mineral products from State Forest land without written authorization of the District Forester or a designee.

(3) Removing peat, sawdust, bark, mulch or other products from State Forest land without written authorization of the District Forester or a designee.

(4) Removing or disturbing historical or archeological resources from State Forest land without written authorization of the District Forester or a designee.

(5) Planting a tree, shrub or plant of any kind without the written authorization of the District Forester or a designee.

§ 21.32. **Designated trees.** Only designated trees may be cut or removed.

§ 21.33. **Cutting practices.**

(a) The stump height of cut trees may not exceed the diameter of the stump or 12 inches whichever is smaller.

(b) All tops and slash shall be removed 25 feet from streams, roads, trails and State Forest boundaries.

(c) The blocking of drainage ditches, pipes and other structures with tops and slash is prohibited.

§ 21.34. **Removal.** The removal of fuel wood and other forest products from the forest by the use of tractors, skidders or any method other than hand carrying is prohibited without written authorization of the District Forester or a designee.

MISCELLANEOUS PROVISIONS

§ 21.61. **Camping permit.** Camping without a current camping permit issued by the District Forester or a designee is prohibited. Primitive backpack campers not using developed facilities do not need a permit if they stay no more than 1 night at any campsite.

§ 21.62. **Open fires.**

(a) Subject to the prohibition in subsection (b), small campfires are permitted only where adequate precautions are taken to prevent the spread of fire into the forest. All other fires are prohibited. Campfires shall be attended at all times.

(b) Open fires are prohibited when the forest-fire danger is determined by the District Forester to be High, Very High or Extreme and from March 1 through May 25 and from October 1 through December 1 without authorization from the District Forester or a designee. This prohibition does not apply to small self-contained camp stoves when used in a safe manner.

(c) A person causing a wildfire, in addition to possible criminal penalty, is liable for all damages, costs of extinction and fines.

§ 21.63. **Hunting and trapping.** Hunting and trapping on State Forest land are permitted in accordance with 34 Pa. C.S. (relating to Game and Wildlife Code) and rules and regulations, unless otherwise posted.

§ 21.64. **Fishing.** Fishing in waters on State Forest land is permitted in accordance with 30 Pa. C.S. (relating to Fish and Boat Code) and rules and regulations, unless otherwise posted.

§ 21.65. **Target shooting.** Target shooting with firearms, bows and arrows or devices capable of launching projectiles and causing injury to persons or property is prohibited except where authorized by the District Forester or a designee.

§ 21.66. **Destruction of property.** Damaging, defacing or removing any sign, structure, equipment or other material is prohibited.

§ 21.67. **Posting and soliciting.** Posting of signs or soliciting without written authorization of the District Forester or a designee is prohibited.

§ 21.68. **Littering and disposal.** Littering or disposal of garbage, paper, household refuse, waste or other material of any kind is prohibited.

§ 21.70a. **Snow plowing.** The plowing or removal of snow from State Forest land without authorization of the District Forester or a designee is prohibited.

§ 21.72. **Closure because of fire danger.**

(a) If the forest-fire danger rating is Very High or Extreme, all or portions of the State Forest may be closed to certain specified uses.

(b) Violation of a closure notice under subsection (a) is prohibited.

§ 21.73. **Pets.** Pets are permitted on State Forest land if they are kept under control and attended at all times.

§ 21.74. **Disorderly conduct.** The following are prohibited:

(1) Fighting or other behavior that is threatening, violent or tumultuous.

(2) The possession or consumption of alcoholic beverages by persons under 21 years of age.

(3) Creating an unreasonable noise that may disturb other visitors to State Forest land.

§ 21.75. **Sanitation.**

(a) Washing in water outlets, springs, lakes or waterways is prohibited.

(b) Discharging of trailer, camper or motor home sewage, sink water or bath water on or into ground or surface waters is prohibited.

§ 21.76. **Feeding of wildlife.**

(a) Feeding of wildlife, except for elevated songbird feeders of less than one-half bushel capacity, is prohibited on State Forest land from 30 days prior to the beginning of spring gobbler season through the end of flintlock muzzleloader deer season.

(b) Placing of wildlife feeders of more than one-half bushel combined capacity on State Forest land without the authorization of the District Forester or a designee, is prohibited.

§ 21.77. **Commercial activity.** Selling, distributing, delivering, servicing, guiding or renting any equipment, material or commodity or otherwise engaging in commercial activity on State Forest land without written authorization of the District Forester or a designee is prohibited.

§ 21.78. **Group activities.** Group activities are prohibited without written authorization of the District Forester or a designee.

§ 21.79. **Structures.** Building or erecting a structure or memorial, or engaging in construction or excavation activity, without written authorization of the Department is prohibited.

§ 21.80. **Trespass.**

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

(b) A person who refuses to leave State Forest land, after receiving an order to leave from a State Forest officer, commits an act of criminal trespass under 18 Pa.C.S. § 3503(b) (relating to criminal trespass).

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