

State Forest and Educational State Forest Rules

15A NCAC 09C .1228 SCOPE

(a) This section coordinates the use of all North Carolina's State Forests and Educational State Forests into one combined set of rules. This is in keeping with the Division of Forest Resources mission to develop, protect and manage the multiple resources of North Carolina' forests through professional stewardship, enhancing the quality of life for our citizens while ensuring the continuity of these vital resources. Educational State Forests and other State Forests will each have a mission statement and will be sustainably managed under a State Forest Management Plan.

(b) All North Carolina Educational State Forests and State Forest rules are effective within and upon the properties defined as Educational State Forests and State Forests under the jurisdiction of the Department.

History Note: Authority G.S. 113-8; 113-34; 113-35; Eff. November 1, 2009.

15A NCAC 09C .1229 DEFINITIONS OF TERMS

As used in this rule the following terms have the following meanings:

- (1) "Bike Trail" means any road or trail maintained for bicycles.
- (2) "Bridle Trail" means any road or trail maintained for persons riding on horseback.
- (3) "Department" means the NC Department of Environment and Natural Resources.
- (4) "Division" means the NC Division of Forest Resources.
- (5) "Educational State Forest" refers to any state forest property operated by the Division of Forest Resources for the purpose of educating schoolchildren and the public.
- (6) "Forest Supervisor" means an employee of the Division of Forest Resources who is a forest supervisor and provides supervision to other DFR employees of the forest.
- (7) "Group" means a number of individuals related by a common factor, having structured organization, defined leadership, and activities directed by a charter or written bylaws.
- (8) "Hiking Trail" means any road or trail maintained for pedestrians.
- (9) "Multi-use Trail" means any trail maintained for use by any of the following: horseback riding, bicycle; or pedestrian.
- (10) "Hunting" means the lawful hunting of game animals as defined by the NC Wildlife Resources Commission.
- (11) "Motorized vehicle" 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 wheel chairs or other similar vehicles designed for and used by persons with disabilities. (G.S. 20-4.01)

- (12) "Permit" means any written license issued by or under the authority of the Division or Department permitting the performance of a specified act or acts.
- (13) "Permittee" means any person, corporation, company or association in possession of a valid permit.
- (14) "Person" means any individual, firm, partnership, corporation, association, public or private institution, political subdivision, or government agency. (G.S. 113-60.22(4))
- (15) "Public building" means a climate-controlled structure primarily for human habitation or use, and does not include barns, shelters or sheds.
- (16) "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.
- (17) "Rock climbing" means traversing a rock face that is steep enough to require the use of hands and feet to get up or down.
- (18) "Secretary" means the Secretary of the Department.
- (19) "State Forest" means any land owned by the State of North Carolina, under the jurisdiction of the Division of Forest Resources, that is sustainably managed under a State Forest Management Plan approved by the Division Director for the purposes of education, demonstration, training, forest research, wildlife habitat, forest products and recreation as identified in the approved forest management plan.
- (20) "State Forest Management Plan" is a plan prepared by a forester of the N.C. Division of Forest Resources and approved by the Division Director. Such plan shall include management practices to ensure forest productivity and environmental protection of the land to be treated under the management plan.
- (21) "Swimming area" means any beach or water area designated by the Division as a swimming, wading and bathing area.

History Note: Authority G.S. 113-35; 113-28.1; 113-55.1. Eff. November 1, 2009.

15A NCAC 09C .1230 PERMITS

- (a) A permit authorizes an act only when that act conforms with the terms contained in the permit or in applicable rules, and conforms to existing state laws.
- (b) Any violation of the permit constitutes grounds for its revocation by the Department. In case of revocation the permit holder shall forfeit to the Department all money for the permit. Furthermore, the department shall consider the permit holder, together with his agents and employees who violated such terms, jointly and severally liable to the Department for all damages suffered in excess of money so forfeited. However, neither the forfeiture of such money, nor the recovery of such damages, nor both, relieves such person from statutory punishment for any violation of a provision of any State Forest or Educational State Forest rule.
- (c) Applications for permits shall be made through the State Forest or Educational State Forest office during business hours and approved by the Forest Supervisor or his or her designee in advance of the act permitted.

History Note: Authority G.S. 113-8; 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1231 ROCK OR CLIFF CLIMBING AND REPELLING

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 permit.

History Note: Authority G.S. 113-35. Eff. November 1, 2009.

15A NCAC 09C .1232 BATHING OR SWIMMING

- (a) A person shall not dive or jump from any waterfalls or rocks or overhangs into any body of water.
- (b) A person shall not wade, bathe or swim in any body of water in an Educational State Forest, except in designated swimming areas.
- (c) A person may wade, bathe or swim at his or her own risk in any body of water in any State Forest, except within 300 feet upstream of the top of a waterfall, and in other designated non-swimming areas.
- (d) Public Nudity:
 - (1) Public nudity is prohibited in all State Forest and Educational State Forest lands or waters. This Rule does not apply to the enclosed portions of bathhouses, restrooms, tents and recreational vehicles.
 - (2) Children under the age of five are exempt from this restriction.

History Note: Authority G.S. 14-190.9; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1233 HUNTING

- (a) A person shall not hunt on any Educational State Forest lands without obtaining a permit from the Forest Supervisor's office and must obey all state hunting laws and rules currently in effect.
- (b) A person may hunt on a State Forest that is in the Game Land program if the person obtains a Game Land permit from a NC Wildlife Resources Commission designated licensing agent and obeys all state hunting laws and rules currently in effect for the applicable Game Land.
- (c) Hunters shall not discharge a firearm or bow and arrow within, into or across a posted safety zone.
- (d) Hunters shall not erect or occupy any tree stand attached to any tree, unless it is a portable stand that leaves no metal in the tree.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1234 FISHING

- (a) A person may fish in any waters in State Forests if the person obeys all state fishing laws and rules.
- (b) A person may fish in any waters of any Educational State Forest if the person first obtains a permit from the Forest Supervisor's office and obeys all state fishing laws and rules.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1235 ANIMALS AT LARGE

(a) Except in designated areas, no person shall have any dog, cat or other pet upon a State Forest or Educational State Forest unless the animal is on a leash and under the control of the owner or some other person. Hunting dogs used in accordance with NC Wildlife Commission Game Land Rules pertaining to State Forests are exempt from this rule.

(b) No dog, cat or other pet shall be allowed to enter any public building on State Forests, except assistance animals for persons with disabilities.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1236 BOATING

(a) A person shall not operate a boat, canoe, kayak or other watercraft in any waters on Educational State Forests without obtaining a permit from the Forest Supervisor.

(b) Boats, canoes, kayaks 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. Boats with gas motors attached are 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.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1237 CAMPING

(a) No person shall spend the night or maintain a camp in an Educational State Forests or State Forest except under permit, and at such places and for such periods as may be designated.

(b) Unless otherwise provided in this Section, the number of persons camping at a particular site may be limited by the forest supervisor depending upon the size of the group and the size and nature of the campsite.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1238 SPORTS AND GAMES

No games or athletic contests shall be allowed except in places as may be designated or under permit, and at such places and for such periods as may be designated.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1239 HORSES

(a) No person shall use, ride or drive a horse except to, from or along a designated bridle path, multi-use trail designated for horses or designated watering point.

(b) Each equestrian user shall remove from designated parking areas all residues (including manure) generated by his or her horse.

- (c) When dismounted, horses shall be tied in such a manner as to prevent damage to trees and other plants.
- (d) Horses shall cross rivers and streams using bridges or culverts if available.
- (e) Horses shall not wade in lakes.
- (f) Users shall possess valid Coggins papers for each horse and make them available for inspection upon request.

History Note: Authority G.S. 113-22; 113-34; 113-35. *Eff. November 1, 2009.*

15A NCAC 09C .1240 BICYCLES

- (a) 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 trail.
- (b) When crossing rivers or streams, bicycle use shall be confined to bridges or culverts if available.

History Note: Authority G.S. 113-22; 113-34; 113-35. *Eff. November 1, 2009.*

15A NCAC 09C .1241 SKATES, BLADES AND BOARDS

No person shall use or ride roller skates, in-line skates, roller blades, skate boards, or any similar device on any Educational State Forest or State Forest road, trail or other maintained surface.

History Note: Authority G.S. 113-35. *Eff. November 1, 2009.*

15A NCAC 09C .1242 EXPLOSIVES

No person shall carry or possess any explosives or explosive substance including fireworks upon Educational State Forests or State Forests. This does not apply to employees of the department when they engage in construction or maintenance activities.

History Note: Authority G.S. 113-22; 113-34; 113-35. *Eff. November 1, 2009.*

15A NCAC 09C .1243 FIREARMS

No person except authorized forest law enforcement officers of the department, or any other sworn law enforcement officer shall carry or possess firearms of any description or air guns or pellet guns, on or upon Educational State Forest or State Forests. Properly licensed hunters that meet the requirements of Rule .1233 of this Section, or persons meeting the requirements of the NC Wildlife Resources Commission Rules applicable to Educational State Forests or State Forests, are exempt from this Rule.

History Note: Authority G.S. 113-22; 113-34; 113-35. *Eff. November 1, 2009.*

15A NCAC 09C .1244 FIRES

- (a) No person shall build or start a fire in any area of an Educational State Forest or State Forest unless that area is designated for such purpose.

(b) Tree planters and logging crews may build warming fires if they obtain a permit and confine the fire to an area temporarily designated for such purpose.

(c) Fires ignited for forest management purposes under the provisions of a prescribed burning plan, approved by the Forest Supervisor or his designee, are exempt from this Rule.

History Note: Authority G.S. 113-22; 113-34; 113-35; 113-60.40 – 113-60.41. Eff. November 1, 2009.

15A NCAC 09C .1245 DISORDERLY CONDUCT

(a) No person visiting on an Educational State Forest or State Forest shall disobey a lawful order of a Division employee, law enforcement officer or any other Department official or endanger him/herself or endanger or disrupt others.

(b) No person shall use, walk or run on or along a road or trail that is designated closed for maintenance, tree removal or any other purpose, or enter an area that is designated "No Entry," "Do Not Enter" or "Authorized Personnel Only," except for Division employees or contractors working under the direction of a Division employee, volunteers or individuals or groups under permit, and at such places and for such periods as may be designated.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1246 INTOXICATING BEVERAGES AND DRUGS

No person shall use, or be under the influences of intoxicants, marijuana, or non-prescribed narcotic drugs as defined in G.S. 90-87, while on an Educational State Forest or State Forest. The public display or use of alcoholic beverages, marijuana or non-prescribed narcotic drugs is prohibited.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1247 DAMAGE TO BUILDINGS, STRUCTURES AND SIGNS

No person shall injure, deface, disturb, destroy or disfigure any Educational State Forest or State Forest building, structure, sign, fence, vehicle, machine or any equipment.

History Note: Authority G.S. 113-35. Eff. November 1, 2009.

15A NCAC 09C .1248 COMMERCIAL ENTERPRISES

No person shall, while in or on an Educational State Forest or State Forest, sell or offer for sale, hire or lease, any object or merchandise, property, privilege, service or any other thing, or engage in any business except under permit and at such places and for such periods as may be designated. Sales from which proceeds are used in support of the forest or sales conducted or contracted by the Department are exempt from this Rule.

History Note: Authority G.S. 113-22; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1249 NOISE REGULATIONS

The production or emission of noises over the level of 85 dB's, at a distance of 10 feet, on an Educational State Forest or State Forest is prohibited.

History Note: Authority G.S. 113-34; 113-35; 113-264(a). Eff. December 1, 2009.

15A NCAC 09C .1250 MEETINGS AND EXHIBITIONS

A person, except for Department employees in performance of official duties, shall not hold any meetings or exhibitions, perform any ceremony, or make any speech, on an Educational State Forest or State Forest without a permit.

History Note: Authority G.S. 113-35. Eff. November 1, 2009.

15A NCAC 09C .1251 SOLICITATION OF CONTRIBUTIONS

A person shall not solicit contributions for any purpose within an Educational State Forest or State Forest, unless approved by the Division and such contributions are used to benefit the State Forest or Educational State Forest.

History Note: Authority G.S. 113-35. Eff. November 1, 2009.

15A NCAC 09C .1252 AVIATION

(a) Except as noted in Paragraphs (b) and (c) of this Rule, a person shall not voluntarily bring, land or cause to descend or alight, ascend or take off within or upon any Educational State Forest or State Forest area, any airplane, flying machine, balloon, parachute, glider, hang glider, or other apparatus for aviation. "Voluntarily" in this connection shall mean anything other than a forced landing.

(b) In forest areas where aviation activities are part of the planned forest activities or military, law enforcement or rescue training, a permit shall be required.

(c) Emergency aircraft such as air ambulances and aerial search helicopters, and Division aircraft are exempt from this Rule.

History Note: Authority G.S. 113-35; Eff. November 1, 2009.

15A NCAC 09C .1253 EXPULSION

For violation of any rule in this Section, the Division shall withdraw the right of a person or persons to remain on an Educational State Forest or State Forest.

History Note: Authority G.S. 113-8; 113-34; 113-35. Eff. December 1, 2009.

15A NCAC 09C .1254 MOTORIZED VEHICLES

- (a) A person shall not drive a motorized vehicle in an Educational State Forest or State Forest within or, upon a safety zone, hiking trail, bridle trail, multi-use trail, fire trail, service road, or any part of the forest not designated for such purposes, except by permit.
- (b) Motor bikes, mini-bikes, all terrain vehicles, and any other unlicensed motor vehicle are prohibited within the forest except by permit.
- (c) A person shall not park a motorized vehicle in a manner that blocks forest roads or gates.
- (d) Unless otherwise posted, the speed limit on graveled forest roads is 20 miles per hour, and on dirt roads is 10 miles per hour.
- (e) Vehicles exempt from this rule are, Department vehicles, authorized vendors, vehicles used in conjunction with forest and emergency operations and vehicles of dependant employees and resident family members.

History Note: Authority G.S. 113-8; 113-34; 113-35. Eff. December 1, 2009.

15A NCAC 09C .1255 FLOWERS, PLANTS, MINERALS, ETC.

- (a) A person shall not remove, destroy, cut down, scar, mutilate, take, gather or injure any tree, flower, artifact, fern, shrub, rock or other plant or mineral in any Educational State Forest or State Forest area. Silvicultural activities performed in accordance with an approved State Forest Management Plan are exempt from this Rule.
- (b) A person shall not collect plants, animals, minerals or other artifacts from any Educational State Forest or State Forest area without first having obtained a permit.

History Note: Authority G.S. 113-8; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1256 TRASH AND DEBRIS

A person shall not deposit paper products, bottles, cans or any other trash or debris in an Educational State Forest or State Forest, except in receptacles designated for such materials. Where trash receptacles are not provided persons shall pack their trash out of the forest and dispose of it in a lawful manner.

History Note: Authority G.S. 113-8; 113-34; 113-35. Eff. November 1, 2009.

15A NCAC 09C .1257 FEES AND CHARGES

(a) The following fee schedule shall apply at DuPont State Forests and the Community Building at Jordan Lake Educational State Forest:

(1) **CAMPING**

- (A) Primitive, unimproved campsite with portable toilets and fresh water available, \$9.00 per campsite, daily.
- (B) Primitive group tent camping, unimproved campsite with portable toilets, \$1.00 per person, daily, with \$9.00 minimum.
- (B) Improved group camping with water, restrooms and shower facilities available, \$40.00 per day, and maximum capacity of 35 people.

(2) PICNIC SHELTER RENTALS

(A) Are by reservations only.

(B) Rate: 1-2 tables, \$25.00; 3-4 tables, \$40.00; 5-8 tables, \$60.00.

(3) CLASSROOM OR COMMUNITY BUILDING (DuPont State Forest and Jordan Lake Educational State Forest)

(A) Fee shall be waived for government agencies and natural resource related non-profit groups.

(B) Rates: One half day, \$75.00; Full day, \$150.00.

(4) EQUESTRIAN FACILITIES

(A) Barn or paddocks (fee shall be waived for volunteer work groups), \$10.00 per horse, daily.

(B) Use is limited to non-profit groups and area summer camps.

(5) PERMITS FOR SPECIAL EVENTS

Permits for use of the forest for events involving large groups or special privileges and requiring staff assistance: Rate: \$1.00 per person plus the cost of staff time and equipment use involved in monitoring the permit.

(6) PERMITS FOR THE REMOVAL OF FIREWOOD, VEGETATIVE MATERIAL, ROCKS, ETC.

Fees for these items are based on the value of the material as determined by local market conditions.

(b) Payment of the appropriate fee shall be a prerequisite for the use of the public service facility or convenience provided.

(c) Unless otherwise provided in this Rule, the number of persons camping at a particular site may be limited by the forest supervisor depending upon the size of the group and the size and nature of the campsite.

(d) Reservations must be canceled 30 days prior to the event in order to receive a refund. Permit fees are non-refundable.

History Note: Authority G.S. 113-8; 113-34; 113-35.

Eff. December 1, 2009.

15A NCAC 09C .1258 HOURS OF OPERATION

(a) Hours of operation may vary for individual forests. Hours of operation for each State Forest or Educational State Forest will be posted at the forest entrance, the forest office, and on the Division's web site.

(b) No person except forest employees and authorized persons shall be allowed within the forest between closing and opening hours except under permit.

History Note: Authority G.S. 113-35.

Eff. November 1, 2009.

15A NCAC 09C .1259 ENFORCEMENT

Departmental forest law enforcement officers, Forest Rangers, and sworn law enforcement may enforce these Rules.

History Note: Authority G.S. 113-8; 113-34; 113-35; 113-55.1.

Eff. November 1, 2009.