

**17 PA. CODE**

**CONSERVATION AND NATURAL RESOURCES**

**PART I. DEPARTMENT OF CONSERVATION AND NATURAL  
RESOURCES**

**Subpart B. STATE PARKS**

**CHAPTER 11. GENERAL PROVISIONS**

Sec.

- 11.1--11.16. (Reserved).
- 11.21--11.27. (Reserved).
- 11.31--11.39. (Reserved).
- 11.41--11.52. (Reserved).
- 11.61--11.83. (Reserved).
- 11.91--11.96. (Reserved).
- 11.101--  
11.102. (Reserved).
- 11.111--  
11.124. (Reserved).
- 11.151--  
11.164. (Reserved).
- 11.201. Definitions.
- 11.202. Scope.
- 11.203. State park waters.
- 11.204. Application of Fish and Boat Commission rules and Game Commission rules.
- 11.205. Trespass.
- 11.206. Property left in a State park.
- 11.207. Traffic and parking.
- 11.208. Schedule; closure.
- 11.209. Miscellaneous activities.
- 11.210. Fires.
- 11.211. Natural resources.
- 11.212. Pets.

- 11.213. Organized events; public assemblies; distribution of printed matter.
- 11.214. Waste.
- 11.215. Weapons and hunting.
- 11.216. General recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes.
- 11.217. Swimming.
- 11.218. Camping; overnight facilities.
- 11.219. Boating.
- 11.220. Whitewater boating.
- 11.221. Special provisions for Point State Park.
- 11.222. Special provisions for Presque Isle State Park.
- 11.223. Violation of rules regarding conduct in State parks.
- 11.224. Prices.

**§§ 11.1--11.16. (Reserved).**

**§§ 11.21--11.27. (Reserved).**

**§§ 11.31--11.39. (Reserved).**

**§§ 11.41--11.52. (Reserved).**

**§§ 11.61--11.83. (Reserved).**

**§§ 11.91--11.96. (Reserved).**

**§ 11.101. (Reserved).**

**§ 11.102. (Reserved).**

**§§ 11.111--11.124. (Reserved).**

**§§ 11.151--11.164. (Reserved).**

**§ 11.201. Definitions.**

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

*Act*---The Conservation and Natural Resources Act (71 P. S. §§ 1340.101--1340.1102).

*All-terrain vehicle*--An all-terrain vehicle as defined in section 7702 of the Vehicle Code (relating to definitions).

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

*Crimes Code*--Title 18 *Pennsylvania Consolidated Statutes*.

*Department*--

(i) The Department of Conservation and Natural Resources of the Commonwealth.

(ii) The term includes authorized officials of the Department.

*Designated swimming area*--

(i) A swimming pool, wading pool or the area of a natural or artificially constructed pond, lake, stream, river, bay, tidal waters or other body of water, which is designated, developed, maintained and operated by a State park for swimming purposes.

(ii) The term includes the land, buildings, equipment and appurtenances used in connection with the body of water.

*Fish and Boat Code*--Title 30 *Pennsylvania Consolidated Statutes*.

*Game and Wildlife Code*--Title 34 *Pennsylvania Consolidated Statutes*.

*Motor vehicle*--

(i) As defined in section 102 of the Vehicle Code (relating to definitions).

(ii) The term does not include a snowmobile or all-terrain vehicle as defined in section 7702 of the Vehicle Code.

*Official traffic-control devices*--Official traffic-control devices as defined in section 102 of the Vehicle Code.

*Permission of the Department or permitted by the Department*--Approval obtained from a park manager or designee.

*Person*--A corporation, company, club, firm, association, society, partnership, joint stock company, governmental agency or individual.

*Permit*--Written approval obtained from a park manager or designee on a form prescribed by the Department.

*Personal watercraft*--As defined in 58 Pa. Code § 109.3 (relating to personal watercraft).

*Pet*--

- (i) A dog, cat or other animal that has been domesticated.
- (ii) The term does not include bovine or equine animals or poultry.

*Snowmobile*--As defined in section 7702 of the Vehicle Code.

*State park*--

(i) An area under the jurisdiction of the Department acquired or administered as a park under section 303 of the act (71 P. S. § 1340.303) or designated or administered as a park under section 302(a)(12) of the act (71 P. S. § 1340.302(a)(12)).

(ii) The term includes:

- (A) A State park.
- (B) A State park preserve.
- (C) A parkway.
- (D) A conservation area as defined in § 44.1 (relating to defined) that is administered and managed by the Department's Bureau of State Parks.
- (E) A State Park Natural Area as defined in § 17.2 (relating to State Parks Natural Area definition).
- (F) An environmental education center administered by the Department's Bureau of State Parks.
- (G) State park waters under § 11.203 (relating to State park waters).

*Summer season*--The period beginning on the Saturday of Memorial Day weekend and continuing through Labor Day.

*Vehicle*--As defined in section 102 of the Vehicle Code.

*Vehicle Code*--Title 75 Pennsylvania Consolidated Statutes.

*Watercraft*--As defined in section 102 of the Fish and Boat Code (relating to definitions).

*Water ski*--

- (i) A device used by a person to be towed through or on water behind a boat.
- (ii) The term includes conventional water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs and air mattresses.
- (iii) The term does not include parasails, kite skis, and other devices intended to lift off the surface of the water.

### **§ 11.202. Scope.**

- (a) This chapter applies to State parks.
- (b) The restrictions in this chapter do not apply to authorized Department employees, authorized volunteers and concessionaires acting within the scope of their duties or concession agreement, or to Federal, State and municipal law enforcement officers performing their official duties.

### **§ 11.203. State park waters.**

The Department has jurisdiction over the following bodies of water:

- (1) *General.*
  - (i) Lakes, impoundments and other bodies of water that are wholly owned by the Department or completely surrounded by State park land.
  - (ii) Creeks, streams and nonnavigable rivers that run through or along State parks.
  - (iii) Water areas within a 100-foot safety zone around launching, swimming, docking, mooring and marina facilities at State parks.
- (2) *Presque Isle State Park.* Misery Bay, Marina Lake, Thompson Bay, Horseshoe Pond, Duck Pond, lagoons and all the waters in Lake Erie and Presque Isle Bay within 500 feet of the low-water mark of the peninsula of Presque Isle, under section 9 of the act of May 27, 1921 (P. L. 1180, No. 436) (32 P. S. § 923), regarding dedication of lands, and section 5 of the act of May 27, 1921 (P. L. 1180, No. 436) (55 P. S. § 361), regarding entry upon dedicated lands; rules and regulations.

(3) *Pymatuning State Park*. Pymatuning Lake, under section 3 of the act of May 2, 1929 (P. L. 1530, No. 456) (32 P. S. § 763), regarding construction of dam; use of reservoir and surrounding lands for recreation and other purposes; and rules and regulations.

#### **§ 11.204. Application of Fish and Boat Commission rules and Game Commission rules.**

Title 58 Pa. Code Parts II and III (relating to Fish and Boat Commission; and Game Commission) applies in State parks to activities under the jurisdiction of the Fish and Boat Commission and the Game Commission. To the extent that this chapter is more restrictive than 58 Pa. Code Part II or III, this chapter applies.

#### **§ 11.205. Trespass.**

(a) A person who violates this chapter, disregards an instruction or warning given by a Department-commissioned officer or interferes in the performance of the duties of a Department-commissioned officer may be ordered to leave a State park.

(b) A person who refuses to leave a State park after receiving an order to leave from a Department-commissioned officer commits an act of criminal trespass under section 3503(b) of the Crimes Code (relating to criminal trespass).

#### **§ 11.206. Property left in a State park.**

(a) Property that has been left in a State park for more than 24 hours without written permission of the Department, property that impedes public access or navigation, or vehicles or other property parked in violation of § 11.207(b) (relating to traffic and parking) may be moved or removed by the Department and placed in storage at the State park. The property may be subject to disposal under Article XIII.1 of The Fiscal Code (72 P. S. §§ 1301.1--1301.29) or as otherwise provided by law or by agreement between the owner and the Department.

(b) Property that has been stored under this section will be released from storage only upon adequate proof of ownership and payment of the charges established under § 11.224 (relating to prices).

#### **§ 11.207. Traffic and parking.**

(a) *Traffic*. The following are prohibited:

(1) Operation of a vehicle on a State park road at a speed in excess of the posted limit or, where no speed limit is posted, in excess of 25 miles per hour.

(2) Operation of a motor vehicle on a State park road, lane, trail or area that is posted as closed to motor vehicles, except with permission of the Department.

(3) Operation of a motor vehicle off a road or outside a parking area, except on a trail or in an area posted as open to motor vehicles, or except with written permission of the Department.

(4) Operation of a vehicle not in obedience to official traffic-control devices.

(b) *Parking*. The following activities are prohibited:

(1) Parking a motor vehicle, boat trailer, camp trailer or other vehicle or equipment in an area designated by the Department for persons with a disability unless one of the following requirements is met:

(i) Permission has been given to a user of the vehicle under subsection (c) and the user is in compliance with the conditions of the permission.

(ii) A valid plate or valid placard has been issued to a user of the vehicle under section 1338 or section 1342(a) or (b) of the Vehicle Code (relating to person with disability plate and placard; and veteran plates and placard). A valid plate or valid placard issued by another state, the District of Columbia or a Canadian province for a person with a disability is deemed to be in compliance with the plate and placard requirements of this subparagraph. Placards shall be displayed in the manner required by section 1338(b) or 1342(b) of the Vehicle Code.

(2) Parking a vehicle in violation of section 1338, 1342 or 3354(d)(2), (d)(3) or (e) of the Vehicle Code.

(3) Parking a motor vehicle, boat trailer, camp trailer or other vehicle or equipment as follows without written permission of the Department:

(i) In an area other than an area designated by the Department for parking.

(ii) In a location that obstructs a gate, road, trail, footpath, bicycle path, access way, drinking fountain, entrance, exit or road turnaround.

(iii) In an area that is posted as closed.

(iv) At an overnight facility.

(v) When the park is closed under § 11.208 (relating to schedule; closure).

(4) Parking a bus in an area that is not designated for buses.

(c) *Persons with disabilities*.

(1) A person who, because of a disability, requires a motorized vehicle to gain access to a portion or portions of a State park may request written permission of the Department to use a motorized vehicle in areas of a State park not otherwise open for motorized vehicle use by the public.

(2) A person who has received permission under paragraph (1) shall comply with the written conditions of the permission.

(d) *Violations.*

(1) *Summary offense.*

(i) Except as provided in subparagraph (ii), a violation of this section constitutes a summary offense under section 7505 of the Crimes Code (relating to violation of governmental rules regarding traffic).

(ii) A violation of subsection (b)(2) constitutes a summary offense under the Vehicle Code.

(2) *Parking tickets.*

(i) For a violation of subsection (b)(1), (3) or (4) or for violation of section 3351, 3353 or 3354(a), (b) or (d)(1) of the Vehicle Code (relating to stopping, standing and parking outside business and residence districts; prohibitions in specified places; and additional parking regulations), Department may issue a parking ticket, as provided for in 234 Pa. Code Rule 401 (relating to means of instituting proceedings in summary cases charging parking violations), which will be handed to the violator or placed on the windshield of the violator's vehicle.

(ii) If it has issued a parking ticket, the Department will file a citation only if the violator fails to pay a charge to the Department in the amount provided in clause (A) or (B) within 5 days of the violation and in the manner specified on the ticket.

(A) For violations of subsection (b)(1), (3) or (4), the charge will be in the amount of the maximum fine as provided in section 7505 of the Crimes Code.

(B) For violations of section 3351, 3353 or 3354(a), (b) or (d)(1) of the Vehicle Code, the charge will be in the amount of the maximum fine for the offense as specified in the Vehicle Code.

(iii) If it has not issued a parking ticket, the Department may issue a citation as provided for in 234 Pa. Code Rule 401.

**§ 11.208. Schedule; closure.**



(a) *General.* Except as otherwise provided in subsections (b)--(g), as otherwise provided in this chapter, and as otherwise posted, State parks are open to the public daily only from sunrise until sunset.

(b) *Point State Park.* Point State Park is open to the public from sunrise to 11 p.m.

(c) *Presque Isle State Park.* Presque Isle State Park is open to the public from 5 a.m. until sunset. After sunset, it is open only to tenants, persons with visitor passes and persons engaged in evening driving. The closing hour for evening driving is as posted.

(d) *Fishing and boating.* Subject to § 11.219 (relating to boating), areas designated for fishing and nonwhitewater boating are open to the public for these purposes 24-hours per day. At Presque Isle State Park, fishing is permitted only during hours when the park is open to the public.

(e) *Hunting and trapping.* Subject to § 11.215 (relating to weapons and hunting), areas designated by the Department for hunting are open to the public for hunting and trapping during hours permitted for these activities under 58 Pa. Code Part III (relating to Game Commission).

(f) *Snowmobiling.* Subject to § 11.216 (relating to general recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes), snowmobiling is permitted 24-hours per day.

(g) *Camping and use of overnight facilities.* Camping and use of overnight facilities is permitted in accordance with permit conditions as provided in § 11.218 (relating to camping; overnight facilities).

(h) *Closings and restrictions.* Notwithstanding other provisions of this chapter, the Department may close a State park, portion of a State park, or State park facility or may restrict it to certain uses or activities.

(i) *Prohibited activities.* Notwithstanding other provisions of this chapter, the Department may prohibit certain uses or activities in a State park, portion of a State park or State park facility.

(j) *Informing the public.* The public will be informed of the closure, restriction or prohibition under subsection (h) or (i) by any form of communication, which may include this chapter or posting, or by fencing, barricade, gate or other structure or device manifestly designed to exclude intruders.

(k) *Prohibitions.*

(1) Entering, using or remaining in a State park, area or facility that is not open to the public or that has been closed under this section is prohibited, unless permitted by the Department.

(2) Using, or engaging in activities in, a State park, area or facility in violation of a restriction or prohibition under subsection (h) or (i) is prohibited, unless permitted by the Department.

### **§ 11.209. Miscellaneous activities.**

(a) The following activities are prohibited without written permission of the Department:

(1) Engaging in construction or excavation.

(2) Moving, removing, damaging or defacing a Department sign, structure, facility or equipment.

(3) Possessing, discharging or causing to be discharged a firecracker, explosive, torpedo, rocket or other pyrotechnical material.

(4) Using a chain saw.

(5) Engaging in commercial activity.

(6) Posting or displaying a sign or printed matter.

(7) Soliciting funds.

(8) Removing or disturbing an historical or archeological artifact, relic or object.

(9) Bringing an animal, other than a pet as provided in § 11.212 (relating to pets), and other than a horse as provided in § 11.216 (relating to general recreational activity; horses; snowmobiles; all terrain vehicles; mountain bikes), into a State park.

(10) Storing or leaving food in a manner that is reasonably likely to attract wildlife.

(b) The following are prohibited:

(1) Failing to comply with a condition of a permit issued by the Department.

(2) Possessing, selling or consuming an alcoholic beverage except at specially designated facilities operated or leased by the Department.

- (3) Causing or creating a noise which would likely annoy or disturb a reasonable person of normal sensitivities.
- (4) Obstructing or impeding persons or vehicles.
- (5) Subjecting persons to unwanted physical contact or unwanted verbal behavior.
- (6) Failing to fully cover with opaque clothing one's genitals, pubic area, buttocks and female breast below the top of the nipple.
- (7) Using drinking fountains, springs, lakes or waterways for washing purposes.

### **§ 11.210. Fires.**

The following activities are prohibited:

- (1) Starting or maintaining a fire except in a fireplace, grill, stove or other facility designated by the Department for campfires or except with written permission of the Department.
- (2) Leaving a fire unattended except with written permission of the Department.
- (3) Disposing hot charcoal except in a facility designated by the Department for charcoal disposal.

### **§ 11.211. Natural resources.**

(a) The following activities are prohibited except with written permission of the Department, or except as provided in subsection (b):

- (1) Cutting, picking, digging, damaging or removing, in whole or in part, a living or dead tree, shrub or plant.
- (2) Damaging, defacing, cutting or removing rock, shale, sand, clay, soil or other mineral product, natural object or material.
- (3) Planting a seed, tree, shrub or plant.
- (4) Feeding wildlife.
- (5) Releasing an animal that was brought into a State park.

(b) The following activities are permitted:

(1) Gathering edible fruits, nuts, berries and fungi, in reasonable amounts, for one's own personal or family consumption. This permission does not apply to wild plants listed in Chapter 45 (relating to conservation of Pennsylvania native wild plants) as threatened, endangered, rare or vulnerable.

(2) Gathering dead and down wood for use within the State park in a fireplace, grill, stove or other facility designated by the Department for campfires.

### **§ 11.212. Pets.**

(a) Except as provided in subsections (e) and (f), an owner, keeper or handler of a pet may keep the pet in a State park only in accordance with subsections (b)--(d) and only under the following conditions:

(1) It is on a leash or is in a cage or crate. If a maximum length of leash is specified by posting, the leash may not exceed the length specified.

(2) It is attended and under physical control of an individual.

(3) It does not behave in a manner that may reasonably be expected to disturb or intimidate another person.

(4) It does not behave in a manner that may cause damage to property or resources.

(5) Its droppings are disposed of in trash receptacles or outside the park.

(6) It has been licensed and vaccinated as required by law.

(b) A pet is not permitted in a designated swimming area.

(c) A pet is not permitted in an overnight area unless the area is designated by the Department for pets.

(d) A pet is not permitted in a building.

(e) Subsection (a)(1)--(5) does not apply to a dog being used by a person engaged in hunting or training as provided in § 11.215 (relating to weapons and hunting).

(f) Subsections (b), (c) and (d) do not apply to a guide dog, signal dog or other animal which has been trained to assist, and is accompanying, a person with a disability.

### **§ 11.213. Organized events; public assemblies; distribution of printed matter.**

(a) *Activities.* Engaging or participating in any of the following activities is prohibited without written permission of the Department:

(1) An exhibition, competition or organized event.

(2) A public assembly, meeting, gathering, demonstration, parade or other public expression of views.

(3) Distribution of printed matter.

(b) *Application.* An application for permission to engage in an activity listed in subsection (a), accompanied by a copy of any printed material to be distributed, shall be delivered to the park manager on a form that may be obtained from the park manager.

(c) *Departmental review.* The Department will grant or deny permission without unreasonable delay. A denial of permission will specify the grounds for denial.

(d) *Grounds for denial.* Any of the following will justify denial of permission:

(1) A prior application for permission to engage in an activity at the same time and place has been or will be granted and the activities permitted do not reasonably allow multiple use of the particular area.

(2) It reasonably appears that the activity will present a clear and present danger to public health or safety.

(3) The activity is of a nature or duration that it cannot be accommodated without causing injury or damage to park resources.

(4) The activity is of a nature or duration that it cannot be accommodated without unreasonably interfering with a protected area's peace and tranquility, the use of the State park by other visitors, program or administrative activities, the operation of public use facilities or the provision of services by State park concessionaires or contractors.

(e) *Conditions.* Permission granted under this section may contain conditions consistent with the considerations in subsection (d).

#### **§ 11.214. Waste.**

The following activities are prohibited:

(1) Depositing, dumping or causing to be deposited or dumped, litter, trash, refuse, garbage, bottles, pollutants or any other substance, liquid or waste,

including sewage, sink water or bath water, except in receptacles or facilities provided by the Department for this purpose and in accordance with any posted instructions.

- (2) Disposing material that was not accumulated during use of a State park.

### **§ 11.215. Weapons and hunting.**

The following activities are prohibited without written permission of the Department:

- (1) Hunting, pursuing or intentionally disturbing woodchucks, also known as groundhogs. Paragraph (2) does not apply to this activity.

- (2) Hunting, pursuing or intentionally disturbing wildlife unless:

(i) The person engaging in the activity is licensed by the Game Commission to hunt and is engaged in hunting in accordance with the Game and Wildlife Code.

(ii) The activity takes place in an area designated by the Department for hunting. At Presque Isle State Park, waterfowl hunting may take place only from a facility designated by the Department as a waterfowl blind, and shooting shall be directed away from State park land and over the adjacent waters.

(iii) The activity takes place during hunting season as established by the Game Commission.

(iv) The firearm, archery equipment or other device used for this activity is lawful for hunting under the Game and Wildlife Code. A device operated by air, chemical or gas cylinder by which a projectile can be discharged or propelled is not lawful for hunting under the Game and Wildlife Code.

- (3) Using a device, including a firearm, archery equipment or slingshot, that is capable of discharging or propelling a projectile, except as provided in paragraph (2) or (7).

(4) Possessing an uncased device, or uncasing a device, including a firearm, archery equipment or slingshot, that is capable of discharging or propelling a projectile, except as provided in paragraph (2) or (7), or except in the owner's building on a leased campsite, in the owner's residence, or in the owner's vehicle or trailer.

(5) Failing to keep a device, including a firearm, archery equipment or slingshot, that is capable of discharging or propelling a projectile, in the owner's building on a leased campsite, in the owner's residence or in the owner's vehicle or trailer. This prohibition does not apply to either of the following:

(i) A person licensed by the Game Commission to hunt, and in possession of a device that is lawful for hunting under the Game and Wildlife Code, during hunting season as established by the Game Commission, in a State park open for hunting.

(ii) A person engaged in target-shooting under paragraph (7).

(6) The trapping of wildlife. This prohibition does not apply to a person licensed by the Game Commission to engage in trapping, during trapping season as established by the Game Commission, in an area designated by the Department for hunting.

(7) Target-shooting with a device, including a firearm, archery equipment or slingshot, capable of discharging or propelling a projectile, except in an area designated by the Department for this purpose and in accordance with posted requirements and restrictions.

(8) Dog training, except from the day following Labor Day through March 31, in an area designated by the Department for hunting.

**§ 11.216. General recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes.**

(a) *General recreational activity.* Outdoor recreational activity is restricted to locations at which physical improvement or posting designates the appropriate purpose and use and to the requirements in subsections (b)--(e).

(b) *Horses.*

(1) A horse is permitted only on the right side of a State park road open to motor vehicles or on a trail or area posted for horseback riding. At Presque Isle State Park, a horse is permitted only with written permission of the Department.

(2) Hitching or confining a horse in a manner that may cause damage to a tree, shrub, improvement or structure is prohibited.

(3) Droppings from hitched or confined horses shall be disposed of outside the State park.

(c) *Snowmobiles.* Use of a snowmobile is permitted only as follows:

(1) In accordance with Chapter 77 of the Vehicle Code (relating to snowmobiles and all-terrain vehicles).

(2) On an area, road or trail posted for snowmobiles, or with written permission of the Department under § 11.207(c) (relating to traffic and parking).

(3) During the period beginning the day following the last day of antlerless deer season as established by the Game Commission, through the following April 1, unless otherwise posted. For purposes of this paragraph, "antlerless deer season" means a regular season or an extended season. If more than one antlerless deer season in a calendar year is established by the Game Commission, then "the last day of antlerless deer season" as used in this paragraph means the antlerless deer season that is the latest in the calendar year but that ends prior to December 25.

(d) *All-terrain vehicles*. Use of an all-terrain vehicle is permitted only as follows:

(1) In accordance with Chapter 77 of the Vehicle Code.

(2) On an area, road or trail posted for all-terrain vehicles, or with written permission of the Department under § 11.207(c) (relating to traffic and parking).

(e) *Mountain bikes*. Use of a mountain bike on a trail is permitted only on a trail posted for mountain biking.

### **§ 11.217. Swimming.**

The following are prohibited:

(1) Swimming outside a designated swimming area.

(2) Swimming at other than posted hours.

(3) Use of underwater breathing apparatus or a snorkel. With permission of the Department, this equipment may be used by an emergency or rescue unit conducting a rescue operation or training or by a diver certified by an organization approved by the Department. The list of organizations approved by the Department may be obtained from the park manager.

(4) Possessing or using a glass or breakable container or utensil in a designated swimming area.

(5) Wearing the following:

(i) In a designated swimming area that is a swimming pool, cut-off pants, clothing that may damage the filtration system or pool surface or clothing that may otherwise cause damage or endanger the facility or a visitor.

(ii) In a designated swimming area that is a swimming pool, clothing that is not leak-proof, on an infant or on a child who is not toilet-trained.



(iii) In a designated swimming area, clothing that displays lifeguard lettering or insignia.

(6) The presence of a child under 10 years of age in a designated swimming area unless accompanied and supervised competently and effectively by a person at least 14 years of age. There may be no more than five children under the supervision of one person.

(7) Diving as follows in a designated swimming area:

(i) Running-entry diving.

(ii) Diving from the shoulders of another person.

(iii) Head-first diving from poolside where the water depth is 5 feet or less.

(8) Engaging in the following activities in a designated swimming area unless permitted by posting or by an on-duty lifeguard:

(i) Using or possessing a buoyant device. Personal flotation devices approved by the United States Coast Guard may be worn.

(ii) Engaging in sports activities, including water polo, volleyball, disc throwing and catch.

### **§ 11.218. Camping; overnight facilities.**

(a) *Camping*. Placing a tent, shelter, lean-to, sleeping bag, bedding material or mobile camping unit in an area without a valid camping permit for use of that area is prohibited.

(b) *Overnight facilities*. Placing personal property in, or otherwise using, a cabin, yurt, walled tent, camping cottage or other overnight facility without possession of a valid permit for use of that facility is prohibited.

### **§ 11.219. Boating.**

(a) *Applicability*. This section applies to activities at State parks other than State parks covered by § 11.220 (relating to whitewater boating).

(b) The use of inner tubes, body boards, surfboards, air mattresses and other similar nonwatercraft devices is permitted in creeks, streams and rivers. Children 12 years of age and under shall wear United States Coast Guard-approved personal flotation devices while engaged in this activity.

(c) Except as provided in subsection (d), the use of body boards and surfboards is permitted in bodies of water designated for boating. Persons shall wear United States Coast Guard-approved personal flotation devices while engaged in this activity.

(d) At Presque Isle State Park, the use of body boards and surfboards is permitted only at locations where posting states that this activity is permitted. Personal flotation devices are not required.

(e) The following activities are prohibited without written permission of the Department:

(1) Operating watercraft on a body of water not designated for boating. The use of nonmotorized watercraft is permitted on creeks, streams and rivers unless posted otherwise.

(2) Operating, using or anchoring watercraft within 100 feet of either a designated swimming area or an area marked by buoys.

(3) Operating, towing or using any of the following:

(i) Watercraft propelled by air propellers.

(ii) Seaplanes. Seaplanes may be taxied at a slow minimum-height-swell speed in the waters of Presque Isle State Park for the purpose of access to and egress from the park.

(iii) Water skis. The use of water skis is permitted in lakes where motorboats with unlimited horsepower are permitted and in lakes where posting states that water skiing is permitted.

(iv) Parasails, kite skis and other devices towed behind a boat and intended to lift off the surface of the water.

(v) Unseaworthy watercraft.

(vi) Inflatable devices except as provided in subsection (b) and except devices which are at least 7 feet long and have more than one separate buoyancy chamber.

(vii) Equipment or devices not constructed or sold primarily for transportation on water, except as provided in subsections (b)--(d).

(f) *Motorboats*. This subsection does not apply to boats used for purposes of State park administration, law enforcement, search and rescue, safety patrol or concessionaire excursions. The following activities are prohibited without written permission of the Department:

- (1) Operating a boat powered by one or more internal combustion engines totaling more than the posted maximum horsepower.
  - (2) Operating a boat powered by an internal combustion engine in waters that are posted as being restricted to electric motor use.
  - (3) Operating personal watercraft unless the body of water is posted as being open to motorboats without a limit on horsepower.
- (g) *Endangerment.* Operating or using watercraft or a nonwatercraft device in a manner that endangers a person or property is prohibited.
- (h) *Mooring, anchoring and storing.* The following activities are prohibited:
- (1) Mooring watercraft at any location without possession of a valid watercraft mooring permit issued by the Department for that location. This prohibition does not apply as provided in subparagraph (ii).
  - (i) A decal issued by the Department evidencing issuance of the permit shall be affixed aft of amidship on the starboard (right) side of the watercraft.
  - (ii) At Point State Park, watercraft may be moored along the river wall during the hours the park is open to the public. Watercraft may be moored along the river wall overnight only with permission of the Department.
- (2) Leaving watercraft in an area designated by the Department for storage without possession of a valid storage permit issued by the Department.
  - (3) Leaving unoccupied watercraft anywhere in a State park between sunset and 8 a.m., except in accordance with paragraph (1) or (2).
- (i) *Launching.* The following activities are prohibited:
- (1) Launching or removing motorized watercraft at a location that is not designated by the Department as a launching site, without written permission of the Department.
  - (2) Launching or removing nonmotorized watercraft at a location where posting prohibits this activity.
  - (3) Except as provided in paragraph (4), launching watercraft without one of the following:
    - (i) A valid watercraft launching or mooring permit issued by the Department. If a decal evidencing the issuance of a permit has been provided by the Department, the decal shall be affixed to the watercraft aft of amidship on the starboard (right)

side. If another form of evidence of the issuance of a permit has been provided by the Department in lieu of a decal, this evidence shall be carried on the watercraft.

(ii) A valid registration number and validation decal, or a valid use permit, issued and displayed in accordance with 58 Pa. Code Part II (relating to Fish and Boat Commission).

(4) Paragraph (3) does not apply as follows:

(i) *Presque Isle State Park*. To an operator of watercraft at Presque Isle State Park, unless registration or a use permit is required under 58 Pa. Code Part II. If registration or a use permit is required under 58 Pa. Code Part II, launching watercraft without complying with the regulations is prohibited.

(ii) *Pymatuning State Park*. To an operator of watercraft at Pymatuning State Park if a valid launching permit has been issued for the watercraft by the State of Ohio.

### **§ 11.220. Whitewater boating.**

(a) *General requirements*. The following rules apply to persons using watercraft at Ohiopyle State Park, Lehigh Gorge State Park or McConnells Mill State Park. These requirements do not apply at Lehigh Gorge State Park when the flow rate of the Lehigh River is less than 250 cubic feet per second.

(1) Wear an appropriate-sized United States Coast Guard-approved personal flotation device, Type I, III or V.

(2) Use one of the following types of watercraft in addition to complying with specific watercraft requirements in subsections (c)--(e):

(i) Noninflatable watercraft that is designed by the manufacturer for whitewater use. Noninflatable canoes and noninflatable kayaks shall have sufficient flotation to ensure that they will float when they are completely full of water.

(ii) Inflatable watercraft that has multiple air chambers of a tough durable construction intended for whitewater use, consists of a tough laminated material, and is of commercial grade. The multiple air chambers shall be in the outside tube.

(iii) Other nonmotorized watercraft approved by the Department.

(b) *General prohibitions*. The following are prohibited at Ohiopyle State Park, Lehigh Gorge State Park and McConnells Mill State Park:

(1) Using motorized watercraft.

(2) Using watercraft in a manner that endangers a person or property.

(3) Using a nonwatercraft device, such as an inner tube, body board, surfboard or air mattress. These devices may be used at Lehigh Gorge State Park when the flow rate of the Lehigh River is less than 250 cubic feet per second. Children 12 years of age and under shall wear a United States Coast Guard-approved personal flotation device when engaged in this activity.

(4) Possessing or using a glass container.

(c) *Ohiopyle State Park*. The following rules apply on the Youghiogheny River at Ohiopyle State Park. River levels are measured at the State park's river gauge at the Lower Youghiogheny River launch area.

(1) *Lower Youghiogheny River*. The Lower Youghiogheny River is the section of the Youghiogheny River between the base of Ohiopyle Falls and the northern most point of the river that lies within the State park. The following rules apply to persons using watercraft on the Lower Youghiogheny River:

(i) *Guided tour or permit*. They shall either be part of a guided tour provided by a State park-licensed concession or have a valid whitewater launch permit issued by the Department. Permits may not be transferred, assigned, altered or used to subvert their original intent. During periods when a launch area is not staffed, boaters shall sign the sign-on sheet at the contact station in lieu of obtaining a permit.

(ii) *Launch and take-out*. Except as provided in clauses (A) and (B), launch of watercraft shall occur only at the launch area designated by the Department and take-out shall occur only at take-out areas designated by the Department.

(A) Watercraft may be launched on tributaries entering the Youghiogheny River downstream from Ohiopyle Falls, with permission of the Department.

(B) Watercraft may be launched at Bruner's Run take-out area for the purpose of boating downstream from Bruner's Run take-out area.

(iii) *Watercraft requirements*. Except as provided in subparagraph (iv), the following requirements apply to watercraft used on the Lower Youghiogheny River:

(A) At river levels below 3 feet, inflatable watercraft shall be at least 8 feet long and have an outside tube diameter of at least 14 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(B) At river levels 3 feet and above but less than 4 feet, inflatable watercraft shall be at least 12 feet long and have an outside tube diameter of at least 16 inches. Inflatable canoes and inflatable kayaks are not permitted.

(C) At river levels 4 feet and above:

(I) Inflatable watercraft shall be at least 15 feet long and have an outside tube diameter of at least 18 inches. Inflatable canoes and inflatable kayaks are not permitted.

(II) Watercraft rented from a boat rental business are not permitted.

(iv) *Exceptions to watercraft requirements.*

(A) State park-licensed concession watercraft are not subject to the watercraft requirements in subparagraph (iii), but are subject to the terms of the license agreement.

(B) With permission of the Department, a person may use watercraft that does not meet the requirements in subparagraph (iii) if the Department deems it safe for use, taking into account durability, buoyancy and maneuverability. This permission will not be given for watercraft rented from a boat rental business.

(2) *Middle Youghiogeny River.* The Middle Youghiogeny River is the section of the Youghiogeny River between the Ramcat launch area and the Middle Youghiogeny take-out area upstream of Bike Trail Bridge in Ohiopyle Borough. The following rules apply to persons using watercraft on the Middle Youghiogeny River:

(i) *Launch and take-out.* Launch of watercraft shall occur only at the Ramcat launch area, and take-out shall occur only at the Middle Youghiogeny take-out area upstream of Bike Trail Bridge in Ohiopyle Borough.

(ii) *Watercraft requirements.* Except as provided in subparagraph (iii), the following requirements apply to watercraft used on the Middle Youghiogeny River:

(A) At river levels below 3 feet, inflatable watercraft shall be at least 8 feet long and have an outside tube diameter of at least 14 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(B) At river levels 3 feet and above, inflatable watercraft shall be at least 12 feet long and have an outside tube diameter of at least 16 inches. Inflatable canoes and inflatable kayaks are not permitted.

(iii) *Exceptions to watercraft requirements.*

(A) Guided and unguided State park-licensed concession watercraft are not subject to subparagraph (ii), but are subject to the terms of the license agreement.

(B) With permission of the Department, a person may use watercraft that does not meet the requirements in subparagraph (ii) if the Department deems it safe for use, taking into account durability, buoyancy and maneuverability. This permission will not be given for watercraft rented from a boat rental business, including a State park-licensed concession business.

(3) *Waterfall running.* Boating from Bike Trail Bridge to and including Ohiopyle Falls is permitted unless posted otherwise.

(d) *Lehigh Gorge State Park.* The following rules apply on the Lehigh River at Lehigh Gorge State Park. Flow rates are measured at the State park river gauges at the launch area designated by the Department at White Haven and the launch and take-out areas designated by the Department at Rockport and Glen Onoko.

(1) At flow rates from 250 cubic feet per second through 1,000 cubic feet per second, inflatable watercraft shall be at least 8 feet long and have an outside tube diameter of at least 13 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(2) At flow rates above 1,000 cubic feet per second through 5,000 cubic feet per second, inflatable watercraft shall be at least 11 feet long and have an outside tube diameter of at least 15 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(3) At flow rates above 5,000 cubic feet per second, inflatable watercraft shall be at least 12-1/2 feet long and have an outside tube diameter of at least 17 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

(4) Launch of watercraft shall occur only at launch areas designated by the Department and take-out shall occur only at take-out areas designated by the Department, except with written permission of the Department.

(5) Guided and unguided watercraft trips provided by commercial outfitters are not permitted between the Francis E. Walter Dam and the White Haven launch area.

(6) Guided and unguided watercraft trips provided by commercial outfitters are not permitted between the White Haven launch area and the Rockport launch and take-out area during the opening weekend of annual trout season, as established by the Fish and Boat Commission, and the following weekend.

(e) *McConnells Mill State Park.* Inflatable watercraft used on Slippery Rock Creek at McConnells Mill State Park shall be at least 8 feet long and have an

outside tube diameter of at least 14 inches. This requirement does not apply to inflatable canoes and inflatable kayaks.

### **§ 11.221. Special provisions for Point State Park.**

The following provisions apply to Point State Park:

(1) *Memorials*. Memorials may be erected with written permission of the Department to honor those persons and events which symbolize the spirit of the American pioneer and the significance of frontier forts prior to the year 1800.

(2) *Portal Arch Bridge*. Congregating or loitering on the Portal Arch Bridge is prohibited.

(3) *Decorative pools*. Swimming, wading or fishing in the reflecting pool or the fountain pool is prohibited.

(4) *Recreational equipment*. Use of roller skates, skateboards, scooters, bicycles or other wheeled recreational equipment is prohibited, except where posted as being permitted or except with written permission of the Department.

### **§ 11.222. Special provisions for Presque Isle State Park.**

The following provisions apply to Presque Isle State Park:

(1) *Visiting after closing*. A person who desires to enter the park during a period when the park is closed shall stop at the park ranger office and state his name, address, destination, reason for entering and planned time of departure. Permission to enter the park may be granted if the Department determines that good cause exists for entering the park. This provision does not apply to a park resident or tenant.

(2) *Transfer of night parking permit*. Lending or transferring a night parking permit is prohibited and will result in cancellation of the permit.

(3) *Seining for bait*. Seining for bait in designated swimming areas is prohibited.

### **§ 11.223. Violation of rules regarding conduct in State parks.**

Engaging in activity prohibited under the following sections constitutes a summary offense under section 7506 of the Crimes Code (relating to violation of rules regarding conduct on Commonwealth property):

(1) Section 11.208 (relating to schedule; closure).



- (2) Section 11.209 (relating to miscellaneous activities).
- (3) Section 11.210 (relating to fires).
- (4) Section 11.211 (relating to natural resources).
- (5) Section 11.212 (relating to pets).
- (6) Section 11.213 (relating to organized events; public assemblies; distribution of printed matter).
- (7) Section 11.214 (relating to waste).
- (8) Section 11.215 (relating to weapons and hunting).
- (9) Section 11.216 (relating to general recreational activity; horses; snowmobiles; all-terrain vehicles; mountain bikes).
- (10) Section 11.217 (relating to swimming).
- (11) Section 11.218 (relating to camping; overnight facilities).
- (12) Section 11.219 (relating to boating).
- (13) Section 11.220 (relating to whitewater boating).
- (14) Section 11.221 (relating to special provisions for Point State Park).
- (15) Section 11.222 (relating to special provisions for Presque Isle State Park).

**§ 11.224. Prices.**

(a) *Schedule of prices.* Under its authority in section 314 of the act (71 P. S. § 1340.314), regarding fees and charges, the Department will establish, by publication in the *Pennsylvania Bulletin*, a schedule of prices for activities, uses and privileges. This schedule will be posted on the Department's website, [www.dcnr.state.pa.us](http://www.dcnr.state.pa.us).

(b) *Reduction or waiver of prices.* Upon request made to a park manager, the Department may reduce or waive prices established under subsection (a) as follows:

- (1) For persons who provide a service deemed by the Department to be valuable to the public, the Department or the Commonwealth.

(2) In specific situations in which the Department determines that good customer service or a marketing or promotional benefit to the Department warrants a reduction or waiver.

(c) *Prices for goods and services.* The Department will set reasonable prices for the sale of goods and services to the public.