

**DEPARTMENT OF AGRICULTURE
DELAWARE FOREST SERVICE**

Statutory Authority: 3 Delaware Code, Sections 1008 and 1011 (3 **Del.C.** §§1008 and 1011)
3 **DE Admin. Code** 402

PROPOSED

PUBLIC NOTICE

The State of Delaware Department of Agriculture Forest Service proposes these amended regulations pursuant to 3 **Del.C.** §§1008 and 1011. These proposed amended regulations are intended to clarify the duties of the Department's personnel and the responsibilities of the visitors to the State Forests.

Copies of the proposed amended regulations may be obtained from the Delaware Department of Agriculture by calling 1-800-282-8685, by writing to the Delaware Department of Agriculture, Forestry Administrator at 2320 S. DuPont Hwy., Dover, DE 19901, or visiting the *Register of Regulations* website at <http://www.delregs.state.de.us/index.html>. Public comments may be submitted in writing or in person to Austin Short, Forestry Administrator, during the 30-day public comment period which commences with the promulgation of these proposed, amended regulations on April 1, 2006.

402 State Forest Regulations

1.0 Authority

1.1 These regulations are promulgated pursuant to the delegation of authority to the Department of Agriculture by the General Assembly found in 3 **Del.C.** Sections 1008 and 1011.

2.0 Purpose

2.1 The State Forests of Delaware are open to members of the public for all legal forms of recreation and their enjoyment. Most legal forms of non-motorized recreation are permitted. The following regulations were developed to ensure that these publicly owned lands are conserved, protected, and maintained for the benefit of all.

3.0 Construction

3.1 No regulation herein shall be interpreted or construed in such a manner as to prevent or delay authorized personnel of the Department or other state, county, or municipal agencies from completing official duties or emergency response.

3.2 In special circumstances, events, or emergencies, the Secretary or Forestry Administrator may, when it is deemed to be in the public interest, waive a specific regulation or fee.

3.3 Failure to enforce a specific regulation at a particular instance or instances shall not affect the validity of any other regulation or affect the validity of such regulation at any other time.

~~3.0~~ **4.0 Definitions**

~~3.14.1~~ **4.1** "Department" is the Delaware Department of Agriculture

~~3.24.2~~ **4.2** "DFS" is the Delaware Forest Service

~~3.34.3~~ **4.3** "DNREC" is the Delaware Department of Natural Resources and Environmental Control

4.4 "Secretary" is the Secretary of the Delaware Department of Agriculture

4.5 "State Business Hours" are 8:00 a.m. to 4:30 p.m. on Monday through Friday, except for state holidays.

~~4.0~~ **5.0 General Rules and Regulations**

5.1 In order to promote the safety and welfare of State Forest visitors and protect and manage property in the State Forests, the Secretary and Forestry Administrator shall have the authority to develop reasonable policies for State Forests that are not in conflict with 3 **Del.C.** Ch. 10 and these regulations. These policies must be approved by the Secretary and posted in a conspicuous location in the State Forest prior to their

becoming effective. Copies of all policies shall also be maintained in the State Forest office.

5.2 Violation of any State Forest policy shall be grounds for eviction from the State Forest and the denial, revocation, or suspension of any permit issued or privilege granted by the Department.

5.3 The Department shall have the authority to enforce safety rules and/or policies developed in accordance with 5.1 of these Regulations for the protection of visitors and property.

5.4 State Forests are open to most forms of non-motorized recreational uses.

4.7 5.5 Many State Forest access roads are closed to vehicular travel, unless otherwise indicated, to improve the quality of recreation and to reduce littering. Where vehicular traffic is permitted, the speed limit is ten (10) miles per hour unless otherwise posted. These roads and trails are open to pedestrian and non-vehicular travel only. Non-pedestrian traffic (e.g. horseback riding and mountain biking) is restricted to access roads and trails, unless otherwise noted. In addition, vehicle use of tax ditches right-of-ways is unlawful. Furthermore, no off-highway vehicles or all-terrain vehicles, either registered or non-registered, are permitted ~~The only exception to this rule applies to~~ except those off-highway vehicles owned, operated, and/or authorized by the Delaware Forest Service (DFS). Violators will be prosecuted for trespassing.

4.6 5.6 All State Forest boundaries are well marked with metal signs and/or yellow paint on boundary line trees, brushed-out paths, or with a combination of all three features. Therefore, boundary lines should be easy to identify. State Forest visitors ~~should avoid~~ must not trespass or encroachment upon adjoining private lands ~~by staying within boundaries of State Forest lands.~~

4.1 5.7 No living trees, shrubs, or other vegetation may be cut, felled, uprooted, removed, or otherwise injured or destroyed, unless written permission has first been obtained from the forest officer in charge.

4.2 5.8 Fires are prohibited for any purpose on State Forest lands other than in designated areas. Written permission must be obtained in advance for fires on State Forest lands outside of designated areas. Any such authorized fire must, at all times, be under the direct supervision and care of a competent adult, and must be thoroughly extinguished before the fire site is abandoned.

4.3 5.9 The dumping or depositing of rubbish, trash, paint, household items, or other debris, or any other materials and activities that could result in the depositing of such materials, such as paintball and geo-caching, are also is prohibited. The placing placement of advertisement signs within State Forests ~~are is~~ prohibited.

4.4 5.10 For the sake of sanitation and attractiveness, Persons using public camp and picnic sites are required to deposit all waste paper, tin cans trash and other refuse in the proper containers, if provided. Where containers are not provided, users must properly dispose of all refuse off State Forest lands.

4.5 5.11 Writing upon, mutilating, carving, and otherwise defacing trees, buildings, structures, signs, and official notices is prohibited.

4.8 5.12 With the exception of animals permitted under lawful hunting regulations, all animals must be under the continuous control of the owner(s) unless otherwise authorized in writing by the Forestry Administrator. All dogs must be leashed, unless covered by the exception above. State Forest visitors are responsible for the conduct and any damages, either personal or property, caused by their animals.

5.13 Dog training is permitted on State Forest lands; however, the dog owner(s) must notify DFS personnel in the local State Forest office prior to the training.

4.9 5.14 Entry to State Forest lands is prohibited from sunset to sunrise, except for lawful hunting, permitted camping, permitted Redden Lodge use, or as otherwise permitted in writing by the DFS.

4.10 5.15 Fishing on State Forest lands is limited to catch and release only.

5.16 Visitors must park in designated areas only and within those designated areas, they must not block gates to State Forest access roads.

5.17 Alcoholic beverages are prohibited on State Forest lands except within the Redden Lodge, if and only if, authorized in writing by the DFS.

6.0 Redden State Forest Lodge

6.1 Maximum Lodge capacity is 45 persons (overnight use).

6.2 The organization or individual renting the Lodge must be at least 21 years of age and provide a minimum of one adult supervisor per ten youths. Youth are defined as persons under 18 years of age and adults as having reached the age of 21.

6.3 The use or possession of illegal drugs is strictly prohibited. ~~Additionally,~~ Alcoholic beverages are prohibited (unless approved in writing by the DFS). Smoking and the use of other tobacco products are prohibited inside the Lodge. Users must deposit tobacco products in the outside receptacles provided.

6.4 Unauthorized heating or cooling equipment is prohibited in the Lodge. The fire alarm system is designed for the protection of all those who use the Lodge and the structure itself. Any misuse or intentional activation of this and other alarms is strictly prohibited and legal action(s) will be taken pursuant to **Delaware Code**.

6.5 The use or possession of firearms or other weapons (except as permitted for legal hunting outside the safety zone, or as approved in writing by the ~~Delaware Forest Service DFS~~), etc., is strictly prohibited.

6.6 No outside fires may be started at any time in the vicinity of the Lodge, except in the permanent grills installed on site and the fire pit area, or as approved in writing by the ~~Delaware Forest Service DFS~~.

6.7 Service dogs are permitted; no other pets shall be permitted within or near the Lodge.

6.8 An adequate supply of firewood will be provided and placed on the back porch.. Please do not retrieve additional wood from the shed/storage area. No charcoal, wax logs, or other materials shall be used in the fireplaces.

6.9 No sleeping facilities are provided at the Lodge. There are cooking facilities and tables and chairs for eating. There are no pots, pans, dishes, or serving articles. Do not move any furniture or fixtures. Folding tables and chairs are not permitted outside the Lodge.

6.10 The telephone at the Lodge is provided for emergencies, local calls, and credit card or collect long distance calls and are only for use by adults, except in emergencies. You must dial 9 before placing any call. The number for the Lodge phone is (302) 856-5939, and incoming calls can be received. Please remember this telephone is only to be used when necessary and are not for social calls. It is the responsibility of the applicant to honor these restrictions and inform all lodge users of the telephone restrictions. If the telephone restrictions are not honored, the ~~Delaware Forest Service DFS~~ reserves the right to remove the telephone at any time.

6.11 Any alteration of the Lodge is strictly prohibited, such as but not limited to moving the furniture, using nails, screws, tape, etc., or discharging fire extinguishers except in the case of fire.

6.4412 Lodge Rental Fees, Reservations, Deposits, and Cancellations

6.4412.1 Reservations shall be made on a first-come, first-served basis. To secure a reservation, a completed application and the full Lodge user fee must be received at least 120 days prior to the desired reservation date.

6.4412.2 A security-damage deposit in the amount of \$100.00 must be received at the time of check-in. If the security-damage deposit is not paid prior to check-in, the person/group/organization will not be permitted use of the lodge. The security-damage deposit will be returned within 5 days after check-out, if the lodge is found in good condition. If the lodge is not found in good condition, an itemized list of charges will be provided to the person/group/organization

6.4412.3 Cancellation policy: Reservations must be canceled at least fifteen (15) working days prior to the arrival date. If this cancellation policy is not followed, the reservation deposit will be forfeited. The security-damage deposit will be refunded for all cancellations.

6.4412.4 Types of Use

6.4412.4.1 Daily: 9:00 a.m. - 3:00 p.m.

6.4412.4.2 Evening: 4 p.m. - 10 p.m.

6.4412.4.3 Weekend: Friday 4 p.m. - Sunday 10 p.m.

6.4412.4.4 Weekday Overnight: 4 p.m. - 8 a.m.

6.4412.5 Lodge Rental Fees: Lodge user fees shall be as follows:

6.4412.5.1 May 1 to September 30

6.4412.5.1.1 ~~\$75~~ \$90 Daily, Evening Use, and Weekday Overnight

6.4412.5.1.2 ~~\$200~~ \$225 Weekend Use

6.4412.5.2 October 1 to April 30 (Increased fees due to heating expenses)

6.4412.5.2.1 ~~\$85~~ \$100 Daily, Evening Use, and Weekday Overnight

6.4412.5.2.2 ~~\$225~~ \$250 Weekend Use

6.4412.5.3 Checks should be made payable to: Department of Agriculture.

6.4412.5.4 Payments and application should be mailed to:

Redden State Forest

18074 Redden Forest Drive

Georgetown, DE 19947

(302)856-2893

weekdays 8:00 a.m. - 4:30 p.m.

5-0 7.0 Camping Rules and Regulations

57.1 Camping is free-of-charge, year round, but restricted to map-designated campsites. A forest use permit is required for all camping on State Forest lands. Permits are available at State Forest offices during state business hours or from information boxes located at each State Forest office. Completed permits must be submitted during office hours to ensure campsite availability.

57.2 Campsites are on a first-come, first-served basis and reservations ~~may be accepted for special occasions~~ are required.

57.3 Campsites are of a primitive type, and are to be used ONLY for tent, van or pickup campers. Travel trailers and /or self-propelled motor homes are excluded due to access and parking limitations, unless otherwise noted.

57.4 There are a limited number of campsites, each is large enough to accommodate large families. These are equipped with tables, fire pits, charcoal grills and a trash barrel. Campsites are limited to a maximum number of ~~25~~ ten (10) people per site, with a maximum stay of three nights per week. Camper(s) must remove their trash upon vacating their campsite.

57.5 Camping is at your own risk. State Forests are a public use area and there is no after-hours, nighttime or weekend security. Law enforcement is provided by the Delaware State Police should the need arise.

57.6 State forests are "multiple-use facilities", which means other activities will continue while you camp. These activities include: hunting, picnicking, hiking, nature study, horseback riding, firewood cutting (by permit only), and timber harvesting. The DFS reserves the right to limit or deny permits during times of conflicting use.

57.7 Firewood for camp use is available at the campsites. If more firewood is needed, it may be gathered locally from dead and downed trees. No standing trees or shrubs are to be cut. Using firewood located at the office complex is prohibited. Campfires are to be in established fire rings only.

57.8 Campsites are to be left clean and all fires are to be extinguished before departing from the area.

7-0 8.0 Hunting Rules and Regulations

7-8.1 State Forests are year-round multiple use areas. Hunters share the use of State Forest lands with other public users such as hikers, campers, horseback riders, firewood cutters, and loggers.

7-8.2 No special permits are required to hunt on State Forest lands, except as specified in the DNREC, Division of Fish and Wildlife annual hunting manual. Properly licensed hunters may hunt during any open season except on areas otherwise designated, such as those marked with Wildlife Sanctuary, NO HUNTING, or Safety Zone signs.

~~7-3~~ Parking is available on all State Forest tracts.

~~7-48.3~~ No permanent deer stands, platforms, ladders, or blinds may be constructed. No screw-in tree steps, spikes, screws, or nails are allowed.

~~7-58.4~~ Deer drives by any person or persons are not permitted on any State Forest land at any time.

~~7-68.5~~ Small game hunting is closed on State Forest lands during firearm deer seasons.

~~7-78.6~~ The DFS reserves the right to close ~~to hunting~~ specific State Forest tracts to hunting during specific hunting seasons. ~~Therefore, it is important to consult the current hunting guide for a listing of these closures.~~

~~7-88.7~~ Trapping rights may be leased for State Forest lands. No other trapping is permitted on State Forest lands.

~~7-98.8~~ Target shooting is prohibited. Firearms are allowed for legal hunting only and are otherwise prohibited on State Forest lands. ~~from March 1 through August 31.~~

~~7-108.9~~ Waterfowl hunting is not permitted on State Forest land or waters.

8.10 Squirrel hunting is not allowed with a rifle or muzzleloading rifle. Squirrel hunting with a shotgun is permitted.

78.11 The following hunting restrictions apply to ~~several~~ those tracts of ~~Blackbird~~ State Forest lands as specified in the DNREC, Division of Fish and Wildlife annual hunting manual. Maps delineating these areas are available at ~~Blackbird~~ State Forest headquarters or by calling ~~(302)653-6505~~ offices.

78.11.1 All deer hunting is limited to numbered stands.

78.11.2 For shotgun season stands will be chosen in a pre-season lottery. To apply for a stand during the shotgun season fill out the application in the Delaware Hunting and Trapping Guide. For leftover stands

there will be a daily lottery held at the ~~Blackbird local~~ State Forest Headquarters office, 1-2 hours before legal hunting time.

78.11.3 For Muzzleloader season there will be a daily lottery held at the ~~Blackbird local~~ State Forest Headquarters office located on the Tybout Tract on Blackbird Forest Rd. (Rd. 471), 1-2 hours before legal hunting time.

78.11.4 All hunters on these tracts, during shotgun and muzzleloader season, must only hunt from their designated stand ~~only~~, as walk around hunting is not permitted.

78.11.5 During Archery season bowhunters must be within 50 yards of their designated stand.

78.11.6 Stands will be available during Archery season on a first-come, first-served basis.

78.11.7 No more than one hunter may hunt from a stand at any one time.

7.12 ~~These special hunting restrictions apply to the Tybout tract of Blackbird State Forest:~~

7.13.1 ~~Squirrel hunting is not allowed with rifle or muzzleloading rifle, shotgun squirrel hunting is permitted.~~

7.14.1 ~~Dog training is prohibited at all times.~~

8-0 9.0 Forest Use Permits

89.1 Forest use permits on State Forests are issued on a first-come, first-served basis and are required for camping, firewood cutting, lodge rental (Redden State Forest), organized special events, and pavilion reservation (~~Blackbird State Forest only~~). ~~Upon arrival at the Facility users are required to fill out~~ submit a completed Forest Use Permit (~~Doc. No. 65-04-02/87/10/03~~) during state business hours. ~~Under special circumstances Facilities may be applied for~~ are to be reserved in advance.

89.2 Items to be filled out by all applicants include:

89.2.1 Date of application

89.2.2 ~~Time of application submission~~ Date(s) of proposed use

89.2.3 Applicants' full name

89.2.4 Applicants' address, city, state, zip code

9.2.5 Copy of valid driver's license

89.3 Camping:

89.3.1 Individual or group permit

89.3.2 Number of persons camping

89.3.3 The name of organization (if applicable)

89.3.4 Vehicle make, model, color, and license number

89.3.5 Permit effective date & termination date

89.3.6 Applicants= signature and date

89.4 Group Users/Special Events:

89.4.1 The name of the person in charge

89.4.2 The name of organization

89.4.3 Number in the group

89.4.4 Permit effective date

89.4.5 Permit termination date

89.4.6 Facility used:

89.4.6.1 Camping

89.4.6.2 Picnic shelter

89.4.6.3 Nature study area

89.4.6.4 Other

89.4.6.5 Applicants' signature

89.5 Firewood Permits:

89.5.1 Firewood permits are required to harvest firewood on State Forest lands and are issued at the discretion of the ~~State Forest~~ DFS staff. When available, these permits are issued on a first-come, first-served basis. There is a fee of ~~\$20~~ \$100 for firewood permits, which allows the holder to cut ~~two standard pickup loads of~~ firewood for three days within areas designated and posted by DFS staff. No trees are to be felled; only downed wood may be cut. ~~Designated firewood cutting areas will be delineated by State Forest employees and posted as such.~~ Wood is not for resale.

9-0 10.0 Department Enforcement Regulations

10.1 The violation of, or the refusal to obey, any law, these regulations, State Forest policies or the terms or conditions of any permit issued or privilege granted by the Department shall be grounds for the suspension or revocation of any permit issued or privilege granted by the Department, the removal or eviction from State Forest lands and/or the denial of future entry to, or the denial of future permits or privileges within State Forests. Any and all applicable permit fees shall be forfeited to, and retained by, the Department. Any such suspension, revocation, removal, eviction or the denial of entry, permit or privilege shall not preclude the prosecution of any person for violation of any law or these regulations.

9-410.2 Whoever violates any of the foregoing regulations shall be deemed to have committed an unclassified misdemeanor and shall be fined not less than \$25 nor more than \$250 and be required to pay all applicable court costs. For each subsequent violation, within three years of a previous conviction, the violator shall be fined not less than \$50 nor more than \$500 and be required to pay all applicable court costs. In addition to such fines and court costs, a violator who is convicted of damaging, destroying, or removing property owned and maintained by the State Forest Service, shall be required to make restitution to the Department for the replacement or restoration of such property.

9-210.3 Justices of the Peace throughout the State shall have jurisdiction over alleged violations of these State Forest Regulations; however, any violator shall, upon arrest, be taken to the nearest available Justice of the Peace in the county where such violation is alleged to have occurred, or in lieu thereof, be provided with an assessment form for the voluntary payment of fines.

9-310.4 Notwithstanding the immediate preceding subsection, a forest service duly authorized peace officer making an arrest for a violation of these regulations may issue a summons requiring the violator to appear in person at a subsequent date at the Justice of the Peace Court nearest to the place of arrest and during the regularly scheduled hours of the Court.

9.4 After payment for fines and costs, if any, is received by the Department of Justice or Justice of the Peace Court, the Department or the Court shall mail a receipt indicating payment for such fine if the violator paying such fine makes a written request for a receipt and encloses a self-addressed envelope with proper postage affixed thereon.

**Delaware Forest Service
Forest Use Permit Application**

Date(s) of use _____ Permit No. _____

Application For: Firewood Camping Other (explain) _____

Drivers license No. _____ Expiration Date _____ Issuing State _____

Location Blackbird State Forest Redden State Forest Taber State Forest
No. in group _____

Name _____
First MI Last

Address _____
Street/P.O. Box City State Zip Code

Phone No. () _____
Home Work

Vehicle Information _____
Year/Make/Mode Color Tag No.

Effective Date _____ Expiration Date _____ Fee \$ _____

Comments _____

In exercising the above-described use, I agree to abide by all of the regulations of the Delaware Forest Service (DFS), including but not limited to, those attached to this application, as well as the instructions of the undersigned DFS personnel. I fully understand that the State has neither commercially-procured insurance nor self-insurance to cover any injury, risk or loss which occurs in the State Forest and that the State is immune from any and all liability from any such injury, risk or loss.

In consideration of the granting of the permit, I agree to waive any and all claims arising out of the above-described use which may accrue to myself and/or to anyone else in my custody and control, and I further agree to indemnify the State and save it harmless from and against any and all claims, actions, damages, liability and expense in connection with loss of life, personal injury and/or damages to property arising out of any occurrence in the State Forest.

APPROVED: SIGNATURE OF DFS PERSONNEL

Date

SIGNATURE OF APPLICANT

Date

Note: Any violation of the State Forest rules and regulations will result not only cancellation of this permit, but may also result in possible arrest and fines. This permit is to be kept in applicant's vehicle or on his/her person and must be produced at the request of any forest officer. This permit is subject to cancellation by the state forester at any time for just cause. Authority: 3 Del.C. Ch. 10. Sections 1008 and 1011.

6 DE Reg. 517 (10/1/02)

6 DE Reg. 1201 (3/1/03)

9 DE Reg. 1425 (04/01/06) (Prop.)