

DuPont State Forest Rules

Effective April 1, 2003

.1201 PURPOSE (a) This section coordinates all uses of DuPont State Forest in order to promise its best use for the most people. (b) DuPont State Forest is located in southwest Henderson and northeast Transylvania Counties in western North Carolina. (*Authority G.S. 113-8; 113-34; 113-35*).

.1202 DEFINITIONS OF TERMS Whenever used in this Subchapter: (1) "Bridle Trail" means any trail maintained for persons riding on horseback. (2) "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. (3) "Hiking Trail" means any trail maintained for pedestrians. (4) "Bathing Area" means any beach or water area designated by the department as a bathing area. (5) "Permit" means any written license issued by or under the authority of the department permitting the performance of a specified act or acts. (6) "Group" means a number of individuals related by a common factor, having structured organization, defined leadership, and whose activities are directed by a charter or written bylaws. (7) "Multi-use Trail" means any trail maintained for use by two or more of the following: equestrian, bicycle, or pedestrian. (*Authority G.S. 113-35*).

.1203 PERMITS (a) A permit authorizes an act only when that act strictly conforms with the terms contained on the permit, or in applicable rules, and with 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, in any manner relieves such person from statutory punishment for any violation of a provision of any state forest rule. (c) A permit may be issued to a person or a group as defined in Rule .1202 of this Section engaged in an activity whose purpose is civic, educational, scientific, or non-profit; to government entities engaged in training activities; or to persons or groups performing volunteer maintenance activities on the forest that are authorized in advance by the forest supervisor. (d) Applications for permits shall be made at the State Forest Office during business hours. (*Authority G.S. 113-8; 113-34; 113-35*).

.1204 ROCK OR CLIFF CLIMBING AND RAPPELLING A person shall not engage in rock or cliff climbing or rappelling in DuPont State Forest, except at designated areas and only after obtaining a special use permit from a forest official. Applications for permits may be made as provided by Rule .1203 of this Section. (*Authority G.S. 113-35*).

.1205 BATHING OR SWIMMING (a) A person shall not dive or jump from any falls or rocks or overhangs into any body of water. (b) A person may wade, bathe or swim in any body of water in the Forest at his or her own risk, except in designated non-swimming areas. (c) Public Nudity (1) Public nudity, including public nude bathing, is prohibited in all of DuPont 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. (*Authority G.S. 14-190.9; 113-35*).

.1206 HUNTING (a) A person may hunt on the State Forest provided that the person obeys all state hunting laws and rules currently in effect for the DuPont State Forest Game Land. (b) Tree Stands. Hunters shall not erect or occupy any tree stand attached to any tree, unless they use a portable stand that leaves no metal in the tree. [*Authority G.S. 113-8; 113-34; 113-35; 113-264(a)*].

.1207 FISHING A person may fish in any waters in DuPont State Forest provided that the person obeys all state fishing laws and rules. *(Authority G.S. 113-8; 113-34; 113-35).*

.1208 ANIMALS AT LARGE (a) Except in designated areas, no person shall have any dog, cat or other pet upon DuPont 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 Lands Rules pertaining to DuPont State Forest are exempt from this rule. (b) No dog, cat or other pet shall be allowed to enter any public building on DuPont State Forest except assistance animals for persons with disabilities. *(Authority G.S. 113-22; 113-34; 113-35).*

.1209 BOATING (a) Privately owned boats or canoes may be operated in any waters on DuPont State Forest, 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 the forest, except for use by rescue squads, diving teams, or other organizations conducting emergency operations. (b) Operation of boats or canoes within 50 yards of the water intake on Lake Julia is prohibited. *(Authority G.S. 113-22; 113-34; 113-35).*

.1210 CAMPING No person shall spend the night or maintain a camp in DuPont State Forest except under permit, and at such places and for such periods as may be designated. Application for permits may be made as provided by Rule .1203 of this Section. *(Authority G.S. 113-22; 113-34; 113-35).*

.1211 SPORTS AND GAMES No games or athletic contests shall be allowed except in places as may be designated. *(Authority G.S. 113-22; 113-34; 113-35).*

.1212 HORSES (a) No person shall use, ride or drive a horse except to, from, or along a bridle path or multi-use trail. (b) Each user shall remove from designated parking areas all residues (including manure) generated by his/her horse. (c) When dismounted, horses shall be tied in such a manner as to prevent damage to trees or any other plants. (d) When crossing rivers or streams, horse use shall be confined to bridges or culverts if available. (e) Users shall possess valid Coggins papers for each horse and make them available for inspection upon request. *(Authority G.S. 113-22; 113-34; 113-35).*

.1213 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. *(Authority G.S. 113-22; 113-34; 113-35).*

.1214 EXPLOSIVES No person shall carry or possess any explosives or explosive substance including fireworks upon DuPont State Forest. This does not apply to employees of the department when they engage in construction or maintenance of the area. *(Authority G.S. 113-22; 113-34; 113-35).*

.1215 FIREARMS No person except authorized forest law enforcement officers of the department, game protectors, and bona fide peace officers shall carry or possess firearms of any description, or air guns or pellet guns, on or upon DuPont State Forest. Properly licensed hunters that meet the requirements of Rule .1206 of this Section, or persons meeting the requirements of the NC Wildlife Resources Commission Rules applicable to DuPont State Forest, are exempt from this Rule. *(Authority G.S. 113-22; 113-34; 113-35).*

.1216 FIRES No person shall build or start a fire in any area unless that area is designated for such purpose. This rule does not apply to liquid fueled grills or cooking stoves. Fires ignited for forest management purposes under the provisions of a burning plan, approved by the Forest Supervisor or his designee, are exempt from this Rule. *(Authority G.S. 113-22; 113-34; 113-35).*

.1217 DISORDERLY CONDUCT No person visiting on DuPont State Forest shall disobey a lawful order of a state forest supervisor, ranger, assistant ranger, law enforcement officer, or any other Department official, or endanger or disrupt others. (*Authority G.S. 113-22; 113-34; 113-35*).

.1218 INTOXICATING BEVERAGES AND DRUGS No person shall use or be intoxicated or under the influences of intoxicants, marijuana, or non-prescribed narcotic drugs as defined in G.S. 90-87, while on DuPont State Forest. The public display or use of beer, wine, whiskey, other intoxicating beverages, marijuana or non-prescribed narcotic drugs is hereby prohibited. (*Authority G.S. 113-22; 113-34; 113-35*).

.1219 COMMERCIAL ENTERPRISES No person shall in or on DuPont State Forest, sell or offer for sale, hire, or lease, any object or merchandise, property, privilege, service or any other thing. Sales from which total proceeds are used in direct support of the forest, or sales conducted or contracted by the Department, are exempt from this Rule. (*Authority G.S. 113-22; 113-24; 113-35*).

.1220 NOISE REGULATION The production or emission in DuPont State Forest by any person of noises, amplified speech, music or other sounds that annoy, disturb or frighten forest users, in the opinion of a Division of Forest Resources employee, is prohibited. [*Authority G.S. 113-34; 113-35; 113-264(a)*].

.1221 MEETINGS AND EXHIBITIONS A person shall not hold any meetings or exhibitions, perform any ceremony, or make any speech, on DuPont State Forest without a permit. Application for permits may be made as provided by Rule .1203 of this Section. (*Authority G.S. 113-35*).

.1222 ALMS AND CONTRIBUTIONS A person shall not solicit alms or contributions for any purpose within DuPont State Forest, unless approved by the Division of Forest Resources, and such contributions are used to benefit the forest. (*Authority G.S. 113-35*).

.1223 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 DuPont 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, a special use permit shall be required. Application for permits may be made as provided by Rule .1203 of this Section. (c) Emergency aircraft such as air ambulances and firefighters are exempt from this Rule. (*Authority G.S. 113-35*).

.1224 EXPULSION For violation of the rules in this Section, the department may withdraw the right of a person or persons to remain in DuPont State Forest. (*Authority G.S. 113-8; 113-34; 113-35*).

.1225 MOTORIZED VEHICLES: WHERE PROHIBITED A person shall not drive a motorized vehicle in the forest within or upon a safety zone, hiking trail, bridle trail, fire trail, service road, or any part of the forest not designated for such purposes. Motor bikes, mini-bikes, all terrain vehicles, and unlicensed motor vehicles are prohibited within the forest. Vehicles used in conjunction with emergency operations, such as search and rescue, law enforcement, or fire fighting, are exempt from this Rule. (*Authority G.S. 113-35*).

.1226 FLOWERS: PLANTS: MINERALS: ETC. (a) A person shall not remove, destroy or injure any tree, flower, artifact, fern, shrub, rock or other plant or mineral in any forest area. Silvicultural activities performed in accordance with the DuPont State Forest Management Plan, as approved by the Director of the Division of Forest Resources, are exempt from this Rule. (b) A person shall not collect plants, animals, minerals or other artifacts from any forest area without

first having obtained a collector's permit. Application for permits may be made as provided by Rule .1203 of this Section. (*Authority G.S. 113-35*).

.1227 FEES AND CHARGES The following fee schedule shall apply at DuPont State Forest. Payment of the appropriate fee shall be a prerequisite for the use of the public service facility or convenience provided. The forest supervisor shall waive fees for groups performing volunteer trail maintenance or other activities providing benefit to the forest.

TYPE OF FACILITY OR CONVENIENCE	FEE
(1) PICNIC SHELTER RENTAL (by reservation only)	\$20.00 (1-2 tables) \$35.00 (3-4 tables) \$50.00 (5-8 tables)
(2) SPECIAL ACTIVITIES (for uses not identified in this rule, requiring staff assistance).	\$1.00 (per person, with a \$25.00 maximum).

[*Authority: G.S. 113-35 (b)*].