

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Department of Natural Resources
Chapter 20-1
Series 1
Public Use of West Virginia State Parks, State Forests,
State Hunting and Fishing Areas
1970

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Department of Natural Resources
Chapter 20-1
Series 1
1970

Subject: Public Use of West Virginia State Parks, State Forests, State Hunting and Fishing Areas.

Section 1. General.

1.01. Scope. Legislative rules and regulations relating to public use of West Virginia state parks, state forests, state hunting and fishing areas.

1.02. Authority. Code of West Virginia §20-1-7, §20-3-2.

1.03. Filing Date. These regulations were filed in 1970, and refilled December 30, 1982, to become effective January 1, 1983, and shall remain in effect unless otherwise amended or new regulations are issued by the Director.

Section 2. General Regulations.

2.01. Destruction of Property or Objects - It is unlawful to cut, deface or destroy any tree, shrub, rock, sign, building or other structure or object on a state park, state forest, state hunting or state fishing area.

2.02. Removal of Objects - It is unlawful to remove from a state park, state forest, state hunting and/or fishing area, any man-made or natural object, plant, animal (except those acquired legally through hunting or fishing), rock, sand, historical relic or archaeological artifact.

2.03. Fires - Fires may be lighted only in fireplaces or grates as provided by the state or in areas designated by the superintendent. Fires must be completely extinguished before leaving.

2.04. Birds and Animals - No person shall hunt, pursue, catch, capture, kill or have in his possession any bird or animal except as provided in Article 2 of Chapter 20, Code of West Virginia. Public hunting is prohibited on all state park areas.

2.05. Noises and Disturbances - Loud or excessive noises, demonstrations



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

May 27, 1983

DAVID C. CALLAGHAN
Director
WILLIS H. HERTIG, JR.
Deputy Director

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE May 27, 1983
Administrative Law Division

The Honorable A. James Manchin
Secretary of State
State Capitol Complex
Charleston, West Virginia 25305

Re: Emergency Rules
WV State Parks, Forests, and
Public Hunting & Fishing Areas
Department of Natural Resources

Dear Secretary Manchin:

Pursuant to Chapter 29A, Article 3, Section 15, of the Official Code of West Virginia of 1931, as amended, please file the enclosed Emergency Rules in the appropriate State Register. In accordance with the provisions of the said §29A-3-15, we request that the Emergency Rules remain in effect for 180 days following this filing. Please note that these are emergency rules which become effective upon the date of filing, pursuant to the aforesaid statute.

Meanwhile, we will, within the ninety days following the filing of these Emergency Rules in the State Register, initiate rule-making procedures for permission to promulgate regular legislative rules to replace such Emergency Rules in accordance with the provisions set forth in §29A-3 of the Code.

In prior expression of appreciation for your cooperation and help in this matter, thank you.

Sincerely,


David C. Callaghan
Director

DCC/dab
Attachment



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, David C. Callaghan, Director,
Title or Position

Department of Natural Resources, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

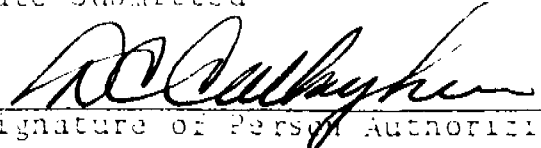
- () proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- (X) other - specify (filing of Emergency Rules).

This filing pertains to

Chapter 20
Article 1
Series 1
Section 2
Page No. 2

- (X) proposed rules and regulations are required to ^{be filed with the} ~~go to~~ Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

May 27, 1983
Date Submitted


Signature of Person Authorizing
this Filing



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

May 27, 1983

DAVID C. CALLAGHAN
Director
WILLIS H. HERTIG, JR.
Deputy Director

Statement of Facts Which Constitutes Emergency
Requiring Promulgation of Emergency Rules Under
§29A-3-15, West Virginia Code

In accordance with the provisions of §20-1-7, §20-4, and §29A-3-15, Code of West Virginia, 1931, as amended, and by the authority vested in the Director of the Department of Natural Resources, the attached Emergency Rules are hereby promulgated, filed and made effective May 27, 1983.

This action is necessary in order to adequately enforce laws, rules, regulations, and policies governing the use of West Virginia State parks, forests, and public hunting and fishing areas to preserve and maintain the public peace, health, safety and welfare, and to prevent substantial harm to the public interest. Being able to impose and collect rentals, fees, and charges for the use of State public facilities and services, limit the length of stay in State camping areas, and expel and prosecute those who fail to pay them or exceed the length of stay specified, are vital to effective law enforcement in State recreational areas. The fact that such authority does not exist only recently came to our attention. With the major



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Director
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Deputy Director

*recreational season beginning now, it is essential that
these Emergency Rules be promulgated and made effective.*


David C. Callaghan
Director



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Governor

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources

DAVID C. CALLAGHAN
Director

WILLIS H. HERTIG, JR.
Deputy Director

EMERGENCY RULES


Chapter 20-1
Series 1
1983

Subject: Public Use of West Virginia State Parks, State Forests,
State Hunting and Fishing Areas.

Section 2. General Regulations

2.09.1 Payment of Rentals, Fees, and Charges--It shall be unlawful for any person who occupies a lodge room, cabin, campsite or other like or similar facility, or who uses any other facility or service, in a West Virginia State Park, State Forest, or State Public Hunting and/or Fishing Area for which a rental, fee, or charge is made to fail to pay the same.

2.09.2 Occupancy of Camping Area--The length of stay in any camping area is restricted to not more than two consecutive weeks, at which time, campers must vacate the area for at least forty-eight hours. Occupancy cannot be extended by registering under a different name.


David C. Callaghan
Director

Effective 5/27/83

and disturbances are prohibited.

2.06. Camping - Tent and trailer camping is permitted in designated areas only.

2.07. Swimming - Swimming is permitted in designated areas only.

2.08. Garbage and Refuse - Garbage, bottles, cans, paper and other trash or refuse shall not be dumped or strewn on state property.

2.09. Subleasing - Cabins or campsites shall not be subleased.

2.10. Time of Departure from Areas - Only registered lodge guests, cabin occupants, campers and those visitors having business in the area are permitted between the closing hour of 10:00 p.m. and the opening hour of 6:00 a.m.

2.11. Pets - Dogs and other pets may be brought into state parks, state forests and state hunting and fishing areas, provided they are kept on a leash around campgrounds, picnic areas, cabins, swimming pools and other similar areas.

2.12. Fishing and Boating - Fishing and boating are permitted only under rules in effect in each individual state area and in conformity with the West Virginia Fishing and Boating Regulations.

2.13. Abandoned Property - The Department of Natural Resources assumes no responsibility for watercraft or other personal property, and if such property is abandoned or left unattended for a period in excess of forty-eight (48) hours, it will be removed from the public use area and disposed of according to law.

2.14. Business or Commercial Enterprises - Hawking, peddling, soliciting, begging, advertising or carrying on of any business or commercial enterprise is prohibited without written permission of the director of the Department of Natural Resources.

2.15. Explosive Materials - Uncased Firearms - No explosive materials or other dangerous substances are permitted. Uncased firearms and broadhead arrows are prohibited other than when the area is open for hunting or when

registered park or forest guests have the written permission of the superintendent to carry uncased firearms or broadhead arrows from lodge, cabin or campground to open hunting areas.

2.16. Speed Limit - The maximum speed limit is 30 miles per hour, unless a lower speed limit is posted. All traffic and parking regulations must be strictly observed. Continuous and unnecessary driving of motorized vehicles is prohibited.

2.17. Motor-driven Vehicles - Motor-driven vehicles (trailbikes, motorbikes, snowmobiles, etc.) must be confined to roads usable by four-wheel automotive vehicles or such trails or areas that are designated for their use. It is unlawful for any unauthorized motor-driven vehicle to go behind a gate, cable or other obstruction, or to proceed beyond any sign prohibiting such travel. Any motor-driven conveyance on state-owned areas shall conform with all state laws.

2.18. Operation of Snowmobiles - No person may operate any vehicle in a manner so as to harass, chase or annoy any animals or birds.

2.19. Breach of Rules or Regulations - Any person may be evicted from a state park, state forest, state hunting or fishing area for any breach of rules set out herein or for the breach of any other rule or regulation which may be in effect. All fees shall be forfeited in the event of eviction.

2.20. Violation of Rules and Regulations - Any person violating any of the above rules and regulations shall be punished in accordance with the provisions of Chapter 20 of the Code of West Virginia and such other laws as may be applicable.

2.21. Enforcement of Rules and Regulations - It is the responsibility and duty of conservation officers, park and forest superintendents, hunting and fishing area managers and their aides, by authority vested in them by the

director of the Department of Natural Resources, to enforce these rules and regulations.

Section 3. Special Regulations

3.01. Stonecoal Public Hunting and Fishing Area -

(a) It is unlawful to create any shoreline developments of any kind on lands and waters under control of the Department of Natural Resources on the Stonecoal Public Hunting and Fishing Area.

(b) All motorboats used on the reservoir are limited to a maximum of 10 H.P. No-wake zones will be maintained with buoys.

(c) It is unlawful to water ski on this public hunting and fishing area.

3.02. Leachtown Fisherman Access Site - No liquor, wine, beer or other alcoholic beverages permitted within the boundaries of this facility.

3.03. Kanawha State Forest - No beer, liquor, wine or other alcoholic beverages permitted within the boundaries of Kanawha State Forest.

3.04. Chief Logan State Park - No beer, liquor, wine or other alcoholic beverages permitted within the boundaries of Chief Logan State Park.

3.05. Tomlinson Run State Park - No beer, liquor, wine or other alcoholic beverages permitted within the boundaries of Tomlinson Run State Park.

3.06. Little Beaver State Park - No beer, liquor, wine or other alcoholic beverages permitted within the boundaries of Little Beaver State Park.

3.07. Grandview State Park - No beer, liquor, wine or other alcoholic beverages permitted within the boundaries of Grandview State Park.

3.08. Valley Falls State Park - No liquor, wine, beer or other alcoholic beverages permitted within the boundaries of Valley Falls State Park.

3.09. Coopers Rock State Forest - No beer, liquor, wine or other alcoholic beverages permitted within the boundaries of Coopers Rock State Forest.

3.10. Camp Creek State Forest - No beer, liquor, wine or other alcoholic beverages permitted within the boundaries of Camp Creek State Forest.

3.11. Mont Chateau State Park - No beer, liquor, wine or other alcoholic beverages permitted within the boundaries of Mont Chateau State Park.