

Form #2

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Natural Resources

#360

**TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES**

**SERIES 70
PUBLIC USE OF CAMPGROUNDS AND RECREATION AREAS IN WEST VIRGINIA
STATE WILDLIFE MANAGEMENT AREAS**

CIRCUMSTANCES

This rule is necessary to provide for public health, safety and welfare; to protect state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

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PUBLIC USE OF CAMPGROUNDS AND RECREATION AREAS IN WEST
VIRGINIA STATE WILDLIFE MANAGEMENT AREAS**

SUMMARY

Title 58, Series70, Public Use of Campgrounds and Recreation Areas in West Virginia State Wildlife Management Areas under the Division of Natural Resources establishes procedures to provide for public health, safety and welfare; to protect state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: PUBLIC USE OF CAMPGROUNDS AND RECREATION AREAS IN WEST VIRGINIA
STATE WILDLIFE MANAGEMENT AREAS UNDER THE DIVISION OF NATURAL

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency: Bureau of Commerce, Division of Natural Resources

Address: Room 812, Building 3, Capitol Complex
Charleston, West Virginia 25305

Phone Number: 304-558-2771 Email: curtistaylor@wvdnr.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure
will have on costs and revenues of state government.

No Costs to state government

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of
Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

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3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

None

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

None

Date: 6-21-06

Signature of Agency Head or Authorized Representative

K. Thomas Bulley

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SERIES 70
**PUBLIC USE OF CAMPGROUNDS AND RECREATION AREAS IN
WEST VIRGINIA STATE WILDLIFE MANAGEMENT AREAS
UNDER THE DIVISION OF NATURAL RESOURCES**

§58-70-1. General.

1.1. Scope. -- This legislative rule governs the public use of campgrounds and recreation areas in West Virginia state wildlife management areas under the jurisdiction and management of the Division of Natural Resources. This rule is necessary to provide for public health, safety and welfare; to protect state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

1.2. Authority. -- W. Va. Code §20-1-7.

1.3. Filing Date. --

1.4. Effective Date. --

§58-70-2. Rules Governing Public Use of Campgrounds and Recreation Areas in State Wildlife Management Areas under the Division of Natural Resources.

2.1. No person may camp in any manner in state wildlife management areas, except at areas designated for camping. Campground facilities are provided for the exclusive use of registered campers.

2.1.1. Campsites which are not reserved shall be rented on a first come, first served basis. A campsite is occupied when there is a tent, camper or vehicle on the site and a valid camping permit displayed.

2.1.2. One responsible person who has passed his or her eighteenth (18th) birthday and who is answerable for the actions and safety of the campsite occupants and liable for any damages caused by them shall be at each rented campsite.

2.2. No person shall have in his or her possession beer, wine, liquor, or other alcoholic beverages within the boundaries of the following wildlife management area campgrounds and recreation areas or parts of wildlife management areas where prohibited by posted signs.

Berwind Lake Wildlife Management Area,
Bluestone Lake Wildlife Management Area,
Laurel Lake Wildlife Management Area,
Plum Orchard Lake Wildlife Management Area,
Teter Creek Lake Wildlife Management Area,

Big Ditch Wildlife Management Area,
Pleasant Creek Wildlife Management Area,
Lewis Wetzel Wildlife Management Area,
Sleepy Creek Wildlife Management Area,
Conway Run Lake Wildlife Management Area,
McClintic Wildlife Management Area,
Chief Cornstalk Wildlife Management Area,
Lantz Wildlife Management Area,
Upper Mud River Wildlife Management Area & Recreation Area;

2.3. The length of stay in any camping area shall not exceed fourteen (14) consecutive nights unless approved by the area wildlife manager. In no case may occupancy of a campsite be extended by the camper registering under a different name.

2.4. Not more than two (2) motor vehicles are permitted on a campsite at any time. A non-family camping group may have only one camping unit (tent, trailer, motor home, camper van, etc.) on its campsite. A family camping group, at the discretion of the area wildlife manager, may be permitted to have one (1) or two (2) small tents on its campsite in addition to the main camping unit, but in no case may the additional units be ecologically detrimental to the campsite. A family is defined as parents or guardians and their dependent children.

2.5. Campsites shall be vacated by 12:00 noon on the day the campsite rental permit expires, unless the area wildlife manager extends the time at the request of the camper. No extension may extend beyond 4:00 p.m.

2.6. The campsite rental fee does not include the use of any other facilities or services for which a fee or rental is charged.

2.7. No person may wash any equipment, paraphernalia, clothing, pet or human body at water fountains and water pumps, and in lakes, ponds, pools and streams. No person may wash cooking utensils, tableware, flatware or any other cooking or eating paraphernalia at water fountains and water pumps, and in comfort stations, bathhouses and washrooms.

2.8. No object may be driven into any tree, shrub, rock, sign, building or other object or structure in a state campground. Trenching or digging in a campsite is prohibited.

2.9. Quiet hours are in effect, and they shall be observed and enforced from 10:00 p.m. to 7:00 a.m. Generators shall not be operated during quiet hours. ATV and motorbike riding is prohibited in camping area.

2.10. No bicycle may be ridden in a campground after dark, unless it is equipped with lights on both its front and rear and the lights are turned on while it is being ridden.

2.11. Swimming is prohibited in state wildlife management areas, except in places designated for that purpose.

2.12. Only registered camping guests and licensed hunters and fishermen, while hunting or fishing, and persons who have authorized legitimate business in a state wildlife management area are permitted on the premises between the closing hour of 10:00 P.M.

and the opening of 6:00 A.M. during which hours the premises are closed to the general public.

2.13. Dogs and cats are the only pets permitted in state wildlife management area campgrounds and shall be restrained at all times on a sturdy leash not to exceed ten feet in length and their owner or master shall clean up the pet's excreta, keep it quiet and from disturbing other guests, and is responsible for all damages it causes.

2.14. Any person may be evicted from a state wildlife management area for any breach of this rule, or for the breach of any other rule which is in effect governing their use. All charges and fees are forfeited upon an eviction.

2.15. Hawking, peddling, soliciting, begging, advertising, or carrying on any business or commercial enterprise is prohibited in state wildlife management areas without written permission of the Director of the Division of Natural Resources.

2.16. Explosives, fireworks and other dangerous substances are prohibited in state wildlife management areas.

2.17. Garbage, waste, bottles, cans, paper, junk, or any other trash or refuse shall not be dumped, deposited or strewn within the boundary of any state wildlife management area.

2.18. No person shall attempt to feed or feed any wild animal in a campground.

§58-70-3. Enforcement of Rules Governing Public Use of Campgrounds and Recreation areas in State Wildlife Management Areas under the Division of Natural Resources and Penalties.

3.1. Responsibility for enforcing the rules.

It is the duty and responsibility of Conservation Officers, Special Conservation Officers, and wildlife managers on state wildlife management areas to enforce all of the provisions of this rule.

3.2. Violation of rules and penalties.

Any person violating any of the provisions of this rule is guilty of a misdemeanor, and, upon conviction thereof, shall be punished in accordance with W. Va. Code §20-7-9.