

UNITED STATES OF AMERICA

STATE OF WEST VIRGINIA



A. JAMES MANCHIN
SECRETARY OF STATE

ROBERT W. JACKSON
DEPUTY SECRETARY OF STATE

STATE REGISTER FILING

I, Willis H. Hertig, Jr., Director
Title or Position

Department of Natural Resources, hereby submit to records in the
State Register on 8 1/2 x 11" 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;
- final rules and regulations
- notice of hearing;
- after hearing, findings and determinations; Administrative Law Division
- emergency rules and regulations, statement of facts-circumstances
- legislative procedural interpretive regulations
- other -specify Index

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

THIS DATE 8-24-84
Administrative Law Division

This filing pertains to

CHAPTER 20 ARTICLE 1 SECTION 7
of the West Virginia Code, 1931, as amended.

SERIES 1, SECTION 1-4 PAGE NO. 1 through 6
of the Administrative Code, as amended.

August 24, 1984
Date Submitted

Willis H. Hertig, Jr.
Signature of Person Authorizing this Filing



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25306

JOHN D. ROCKEFELLER IV
Governor

August 21, 1984

WILLIS H. HERTIG, JR.
Director

RONALD R. POTESTA
Deputy Director

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

Re: Proposed Amendments and Changes
of Rules and Regulations - West Virginia
State Parks, Forests, and Public Hunting
and Fishing Areas

Dear Secretary Manchin:

Pursuant to Chapter 29A, Article 3, of the Official Code of West Virginia of 1931, as amended, please file the attached proposed amendments and additions in the Department of Natural Resources' Administrative Rules and Regulations pertaining to public use of West Virginia state parks, state forests and state public hunting and fishing areas. The amendments and additions are needed for the effective and efficient administration of state recreational areas, and to clarify and correct certain provisions of the present rules and regulations for the public's benefit.

Also, attached is the Notice required for the receiving of comments from the public and the holding of a public hearing on the rules and regulations.

Please make the rules and regulations available and publish the Notice as required. Thank you for your cooperation and help in this matter.

Very truly yours,

Willis H. Hertig, Jr.
Director

WHH/dab
Attachments
cc: Mr. Charles W. Lewis
Mr. Donald R. Andrews

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

THIS DATE AUG 24, 1984
Administrative Law Division

August 24, 1984

THIS DATE 8-24-84
Administrative Law Division

NOTICE

Amendments and additions to rules and regulations governing the public use of West Virginia state parks, state forests, and state hunting and fishing areas have been proposed by the West Virginia Department of Natural Resources, Division of Parks and Recreation. They were filed in the Office of the Secretary of State on August 24, 1984.

The changes pertain to the payment of rentals, charges, and fees for use of lodge rooms, cabins, campsites and other facilities; length of occupancy of campsites; possession and carrying of firearms, bows, and arrows in state recreational areas; prohibiting alcoholic beverages, liquor, beer and wine in certain state recreational areas; and clarification of present rules and regulations.

From August 24, 1984, through September 24, 1984, the Division of Parks and Recreation will accept written and oral comments from interested persons regarding the proposed changes. Comments will be received at the following address:

Donald R. Andrews, Chief
Division of Parks and Recreation
Department of Natural Resources
1800 Washington Street, East
Charleston, West Virginia 25305

No such comments will be considered if they are received after 4:30 p.m. on September 24, 1984. Persons wanting copies of the proposed rule and regulation amendments and additions should request them at the same address or by calling telephone (304) 348-2769.

A public hearing will be held on the proposed rule and regulation amendments and additions in the Department of Natural Resources Conference Room 674, 1800 Washington Street, East, Charleston, West Virginia, at 9:00 a.m. on September 24, 1984.

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

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WEST VIRGINIA ADMINISTRATIVE RULES AND REGULATIONS
Department of Natural Resources
Chapter 20-1
Series 1
1970

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

THIS DATE _____
Administrative Law Division

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 and appli-
cable 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, §20-4-3
and 9.

1.03. Filing Date. These regulations were filed in 1970, and refiled
effective January 1, 1983, to remain in effect until amended or new regulations
are issued by the Director. These proposed amended regulations are filed
August 24, 1984, to become effective upon approval by the Legislature.

Section 2. General Regulations.

2.01. Destruction of Property or Objects - It is unlawful to cut,
deface, damage, or destroy any tree, shrub, rock, sign, building or other
object, structure or property on a state park, state forest, or state
hunting and/or 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
provided by the state or in areas designated by the superintendent.

Fires must be completely extinguished before leaving.

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2.04. Birds and Animals - No person may hunt, pursue, catch, capture, kill or have in his possession any bird or animal, except as provided in Article 2, Chapter 20, Code of West Virginia, 1931, as amended. Public hunting is prohibited on all state park areas.

2.05. Noises and Disturbances - Loud or excessive noises, demonstrations 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. 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 State Park, State Forest, or State Public Hunting and/or Fishing Area for which there is a rental, fee, or charge to fail to pay the same.

2.11. Occupancy of Camping Area - The length of stay in any camping area is restricted to not more than two consecutive weeks, at which time the camper must vacate the area for at least forty-eight hours: Provided, That the area superintendent may extend the camping period additional days, but only if the campground is not fully occupied and it is unlikely to be fully occupied during such extended period. Occupancy cannot be extended by registering under a different name.

2.12. 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.

2.13. Pets - Dogs and other pets may be brought into state parks, state forests and state hunting and/or fishing areas: Provided, That they shall be kept on a leash not to exceed ten feet in length around campgrounds, picnic areas, cabins, swimming pools and other similar public use areas, and Provided further, That pets are prohibited in state park lodges.

2.14. 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.

2.15. 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, the Department may remove such property from the public use area and dispose of it according to law.

2.16. 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.

2.17. Explosive Materials - Uncased Firearms and Bows - No explosive materials or other dangerous substances are permitted in state parks, state forests or state hunting and/or fishing areas. Uncased firearms, CO² guns, compound bows, strung recurved bows and broadhead arrows are prohibited, except when the area is open for hunting, or when registered park or forest guests have the written permission of the superintendent to carry uncased, unloaded firearms, CO² guns, compound bows or unstrung recurved bows, or broadhead arrows from lodge, cabin or campground to open hunting areas.

2.18. 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.

2.19. Motor-driven Vehicles - All motor-driven vehicles (trailbikes, motorbikes, snowmobiles, etc.) shall 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.

2.20. Operation of Vehicles - No person may operate any vehicle in a manner so as to harass, chase or annoy any animal or bird.

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

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 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 alcoholic beverages, liquor, wine, or beer are permitted within the boundaries of Leachtown Fisherman Access Site.

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

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

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

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

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

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

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

3.10. Camp Creek State Forest - No alcoholic beverages, liquor,

wine, or beer are permitted within the boundaries of Camp Creek State Forest.

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

3.12. Laurel Lake Public Hunting and Fishing Area - No alcoholic beverages, liquor, wine or beer are permitted within the boundaries of Laurel Lake Public Hunting and Fishing Area.

Section 4. Violation, Penalty and Enforcement.

4.01. Violation of Rules and Regulations; Penalty - Any person who violates any of the rules and regulations herein set forth shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished in accordance with, and as set forth in, Section 9, Article 7, Chapter 20 of the Code of West Virginia, 1931, as amended.

4.02. Enforcement of Rules and Regulations - It is the responsibility and duty of conservation officers, special conservation officers, and state park, state forest, and state hunting and fishing area superintendents, assistant superintendents, managers, and caretakers, by and in accordance with authority vested in them under Chapter 20 of the Code of West Virginia, 1931, as amended, and the Director of the Department of Natural Resources, to enforce these rules and regulations.