



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 26305

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

March 18, 1976

IRA S. LATIMER, Jr.
Director

The Honorable James R. McCartney
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary McCartney:

Enclosed are two copies of West Virginia
Administrative Regulations 20-1, Series XI, Sections 1
through 4, Regulations on Services of Licensed Outfitters
and Guides.

Also enclosed are two copies of the revised
table of contents (General Outline).

I hereby certify that the attached regulations
are true and accurate copies of official regulations adopted
by the Department of Natural Resources.

Sincerely,

Ira S. Latimer, Jr.
Director

ISL/rca

Enclosures

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE MAR 22 1976

Subject: Regulations on Services of Licensed Outfitters and Guides

Section 1. General Regulations

1.01 By virtue of the authority granted the Director of the Department of Natural Resources by Article Two, Section 23, Chapter Twenty of the official Code of West Virginia, the following outfitter and guide regulations are hereby promulgated and shall become effective April 30, 1976.

1.02 The word "Outfitter" shall mean and include any person who, operating from any temporary or permanent camp, private or public lodge, or private or incorporated home situated within this state, provides for monetary purposes or profit or gain, saddle or pack animals or other animals, vehicles, boats, conveyances or equipment, or guide services for any person or persons hunting game animals, game birds, fishing or taking expeditions, both land and water, in this state. The term "Outfitter" shall not include, however, any person who occasionally for accommodation or favor rather than profit or gain, rents equipment to hunters, fishermen or others as a service incidental to his principal occupation or business without advertising outfitter or guide services or holding out to the public his offering of such services. The term "Guide" shall include or embrace outfitter services. For the purposes of these regulations expedition shall be defined as commercial whitewater or wildwater expedition.

1.03 Outfitter or guide license shall not include National Forest lands within this state unless permission is obtained from the supervisor of such National Forest lands. Such permission must be signed and approved by the National Forest Supervisor upon application form as furnished by the Department of Natural Resources.

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DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

APR 21 3 55 PM '76
OFFICE OF
SECRETARY OF STATE
WEST VIRGINIA

IRA S. LATIMER, Jr.
Director

April 20, 1976

The Honorable James R. McCartney
Secretary of State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. McCartney:

Your attention is invited to the Regulations on Services of Licensed Outfitters and Guides, Series XI, Chapter 20 of the Code of West Virginia, which were filed in your office on March 18, 1976.

Enclosed are two copies of page 2 of such regulations, which we wish to have certified in lieu of page 2 of the regulations previously filed, and to become effective on the earliest possible date.

Sincerely,

Ira S. Latimer, Jr.
Ira S. Latimer, Jr.
Director

ISL/cla

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FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE APR 21 1976

1.04 In accordance with the provisions as contained in Article Two, Section Twenty-two a (20-2-22a) outfitter or guide license does not permit the holder thereof to organize for commercial purposes or to professionally outfit a bear hunt or to give or receive any consideration whatsoever or any donation in money, goods or services in connection with a bear hunt.

1.05 Applicants for outfitters and guides licenses shall provide the director with the information as specified on the application for outfitter and guide licenses and any other additional information he may deem necessary for consideration of such application. Upon approval of an outfitter or guide license by director, this information shall become part of that applicant's official file. Any change must be reported to the director by the outfitter or guide within sixty days of such change.

1.06 Each licensed outfitter or guide must execute a surety bond in the penal sum of one thousand dollars payable to the State of West Virginia and conditionally upon the faithful and reliable discharge of his services under and pursuant to such license before any outfitting or guide services are offered or rendered.

1.07 Outfitter or Guide licenses shall be non-transferable and shall be valid for the calendar year therein designated.

1.08 Each licensed outfitter or guide shall provide Public Liability Insurance. The minimum acceptable coverage shall be: Bodily Injury Liability \$300,000 per occurrence: Property Damage Liability \$25,000 each occurrence and \$25,000 aggregate. A copy of the required insurance policy or appropriate certification by the insurer shall be provided the director before license will be issued.

1.09 All licensed outfitters or guides shall keep a current record or file containing names, addresses, age and residency of all persons who have utilized their services. This record shall be kept for a period of two years and shall be made available to the director upon request. Such information will be kept confidential.

1.10 Outfitter or Guide licenses confer no authority to trespass and written permission must be obtained from the landowner of any fenced or posted lands before entering same for the purpose of hunting, fishing or taking a wildwater expedition.

1.11 All operations shall comply with all applicable state and federal laws and rules and regulations.

1.12 No later than the third day following the day on which occurs any accident resulting in property damage other than the loss of or damage to property taken by a customer or guest and equipment or property of the outfitter or guide the outfitter or guide shall file a report with the director and give notice of such damage to the owner of the property. Such a property damage report shall state the name of the owner of the property, an estimate of the amount of the loss, the time and location of the event causing the damage, and a description of the accident. No later than the first day following any accident resulting in personal injury requiring the attention of a doctor, each outfitter or guide shall file a report with the director. Such a personal injury report shall include the name, address and age of the injured person, and time and place of the injury, a description of the injury and of the accident. Such reports shall be filed with the Director, West Virginia Department OF Natural Resources, 1800 E. Washington Street, Charleston, West Virginia, 25305, and will be deemed filed when deposited in the United States mail with adequate

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postage and properly addressed. If the final day on which any report required by this paragraph must be filed falls upon a Saturday, Sunday or legal holiday, such report may be filed on the next regular business day following such Saturday, Sunday or legal holiday.

1.13 Each outfitter shall allow inspection of his equipment or records at any reasonable time by any authorized representative of the Department of Natural Resources.

1.14 All equipment provided shall be in good condition and maintained in a safe, operable condition. All equipment and materials provided shall be safe and free of infection and conditions inimical to the health and well-being of the persons utilizing the outfitter or guide services.

1.15 The director is hereby authorized to revoke and cancel any such license for failure of the licensee to give the bond herein required, for licensee's violation or disregard of any of the provisions of Chapter 20, Code of West Virginia, as amended, upon licensee's conviction of crime, or for any other reason or cause justifying refusal of the license to the licensee upon a new application therefor.

1.16 Each outfitter or guide shall have on his person a copy of his valid outfitter or guide license when conducting outfitter or guide services. If the outfitter or guide is other than an individual (i.e. corporation, partnership, or other legal entity) then such copy will be on the person or a representative of that entity who is present and designated in-charge during the performance of the outfitter or guide services.

Section 2. Hunting and Fishing Trips

This section shall apply only to outfitters or guides for hunting or fishing purposes.

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2.01 All trips must be in compliance with current hunting and fishing regulations. Licensee must have the appropriate valid West Virginia hunting and/or fishing license and stamps.

2.02 Each outfitter or guide or representative of same who is conducting the service shall have a current standard first aid training certificate issued by the American Red Cross or equivalent. Should the licensed outfitter or guide be other than an individual (i.e. corporation, partnership or other legal entity) or be other than the individual conducting the service, then the individual or individuals acting in a capacity of conducting the service shall obtain such certificate.

Section 3. Commercial Whitewater Outfitter

This section shall apply only to outfitters who only rent or provide watercraft and equipment for use in whitewater expeditions for monetary profit or gain, and as a service incidental to his principal occupation or business. Any person advertising such outfitting service or holding out to the public his offering of such service must be licensed as provided in this section. Outfitters in this classification shall be exempt from Part 1.08 and 1.12, Section 1: and Sections 2 and 4 of these regulations, except as otherwise provided. No guide services shall be offered or provided under a licensee issued pursuant to this section.

3.01 Rafts provided for use shall be in compliance with part 4.03 of these regulations. Open or decked canoes and kayaks shall contain adequate flotation if not of the inflatable type.

3.02 Personal floatation devices approved by the U. S. Coast Guard for commercial whitewater use shall be provided for each passenger to be transported in watercraft either by outfitter or renter.

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Section 4. Commercial Whitewater Expeditions

Subsection A. Equipment

4.01 All rafts shall be of vulcanized neoprene construction or equivalent.

4.02 Vessels shall not in any case be loaded with more than their standard rated capacity.

4.03 The minimum raft size that shall be used on any river, except those listed below, is an 8 foot, three compartmentized raft.

Each trip shall have one trip guide per ten customers. For more than four passengers over an even multiple of ten, the higher multiple of ten will be used to determine the minimum number of trip guides. In no case will there be less than two trip guides per expedition. The trip leader may count as a trip guide for the purpose of meeting this requirement. One trip guide must ride in the first vessel of the expedition and one must ride in the last vessel of the expedition. Remaining trip guides shall be reasonably dispersed among the passengers.

4.04 The minimum raft size and trip guide numbers for the following rivers or sections thereof shall be:

- a. Cheat River -- between Rowlesburg and Cheat Lake-- at approximate flows of 2200 cfs (Albright bridge gauge 2.5) and above, 15 foot, six compartmentized raft with one trip guide in each raft. Rafts 20 feet or longer shall have two trip guides in each raft. Below an approximate flow level of 2200 cfs (Albright bridge gauge 2.5) the minimum size permitted is a 12 foot, three compartmentized raft. Numbers of trip guides and their dispersion shall be in compliance with part 4.03 of these regulations.

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Flows of the Cheat River can increase rapidly. It will be the responsibility of the outfitter or guide to be aware of the trend in Albright gauge levels and plan their trips accordingly. Flow data will be monitored by the DNR at the USGS Rowlesburg gauge, which records flows hourly, to insure that trip guide requirements are being adhered to.

- b. New River -- between Thurmond and Fayette Station--at approximate flows of 2000 cfs (USGS Hinton gauge 1.80) and above, 15 foot, six compartmentized raft with one trip guide in each raft. Rafts 20 feet or longer shall have two trip guides in each raft. Below an approximate flow of 2000 cfs (USGS Hinton gauge 1.80) the minimum size permitted is a 13 foot, three compartmentized raft with one trip guide in each raft.
- c. Gauley River--between Summersville Dam and Swiss--at approximate flows of 1200 cfs (USGS Belva gauge 2.73) and above, 15 foot, six compartmentized raft with one trip guide in each raft. Rafts 20 feet or longer shall have two trip guides in each raft. Below an approximate flow of 1200 cfs (USGS Belva gauge 2.73) the minimum size raft permitted is a 13 foot, three compartmentized raft with one trip guide in each raft.

4.05 Supplies, equipment and passengers in any vessel shall be limited so as not to provide a safety hazard. All supplies and equipment shall be arranged so as to avoid hazard to passengers.

4.06 Each float trip shall have a minimum of the following equipment:

- a. 1 raft air pump and adequate patch and repair kit.
- b. 1 interchangeable valve.
- c. 1 first aid kit per trip guide. Rafts with two trip guides require one first aid kit.

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- d. 2 anti-venom snake bite kits unless the outfitter or guide has obtained within the then current calendar year written confirmation from the nearest hospital that it maintains a supply of anti-venom and a copy of such confirmation has been filed with the director as provided in Section 1.09. It is not intended for these kits to be used by unqualified individuals but to have such kits available for use by qualified individuals.
- e. Topographic maps of the area of the expedition.
- f. 1 50' floating type throwline per trip guide. Rafts with two trip guides require 1 50' throwline.
- g. 1 emergency signal light.
- h. Safe drinking water of sufficient quantity for entire party for a 24 hour period or a means of providing same.

Subsection B. Commercial Whitewater Expedition: Trip Leaders and Trip Guides

4.07 It shall be the responsibility of the outfitter to instruct all trip leaders and trip guides in all applicable safety and emergency procedures.

4.08 Each float trip must have one trip leader whose capabilities qualify him as the responsible leader in charge. In addition to all the qualifications for trip guide, the trip leader:

- a. Must be at least 20 years old, unless approved in writing by the director.
- b. Must have made a minimum of twelve trips on a river or rivers of comparable volume and difficulty of which 50 percent was experienced on the river to be guided.
- c. Must have good working knowledge of the area's topography, geography

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and history.

- d. Must be knowledgeable and capable of giving a suitable orientation talk to passengers on such subjects as personal floatation devices and safety.

4.09 Trip Guide-- To Be Qualified, a Trip Guide:

- a. Must be at least 18 years old, unless approved in writing by the director.
- b. Must have made at least six trips on a river or rivers of comparable volume and difficulty of which 50 percent was experienced on the river to be guided.
- c. Must be able to proficiently operate the vessel to be used for passenger transportation safely and assume responsibility for the passengers.
- d. Effective thirty days after the adoption of these regulations, must have a valid Red Cross standard first aid card, or equivalent.
- e. Must have a thorough knowledge of the area of the expedition.
- f. Must be able to swim and be familiar with floating in whitewater conditions in a personal floatation device.

4.10 Variations from the qualifications of trip leader or trip guide as set forth may be approved by the director. Requests for variation must be in writing to the director and such requests must substantiate that the variation does not reduce the intent of the qualifications.

Subsection C. General Operations (Whitewater Expeditions)

4.11 The use of motors on commercial whitewater or wildwater float trips is prohibited except that a motorized boat may be used to tow rafts from termination of all whitewater to a takeout point. No vessel with a motor attached to or stored in that is capable of propelling that vessel, or any other vessel that

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is part of the expedition, through the water shall accompany or be part of any expedition until all the whitewater portions of that expedition have been passed. And, in no case shall a motor capable of propelling be placed on, stored in or used to propel a vessel that is part of an expedition.

4.12 Each passenger, trip guide and trip leader shall wear a securely fastened vest-type personal floatation device approved by the U. S. Coast Guard for use in the watercraft while on a whitewater expedition. Each personal floatation device shall be maintained in a good and serviceable condition.

4.13 The use of firearms is not permitted.

4.14 It shall be unlawful to injure, remove or destroy any property or natural plants without written permission of the owner.

4.15 Swimming allowed only with the approval of a trip guide or the trip leader.

4.16 It shall be unlawful to discard any trash, litter, trip equipment or any other refuse along river banks, into water, or along trails.

4.17 All expeditions shall be conducted with consideration of river or weather conditions that may adversely affect the safety of the passengers. The director reserves the right to prohibit, further restrict or modify any expedition, minimum raft size, number of trip guides, or any other safety measures as set forth in these rules when he so deems such action necessary because of weather or river conditions that may adversely affect the safety of the passengers.

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