

**WEST VIRGINIA  
SECRETARY OF STATE  
BETTY IRELAND  
ADMINISTRATIVE LAW DIVISION**

Form #2

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: Division of Natural Resources TITLE NUMBER: 58

RULE TYPE: Legislative CITE AUTHORITY: Ch. 20-5-2

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 31

TITLE OF RULE BEING AMENDED: Rules governing public use of West Virginia State Parks, State Forests, and State Wildlife Management Areas under the Division of Natural Resources.

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 7, 2005 AT 12:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Mr. John R. Pope, Chief

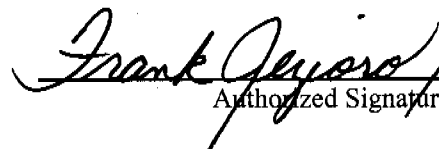
Parks and Recreation

State Capitol Complex

Building 3, Room 713

Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

## **Summary of Proposed Rule**

- 2.12 To amend the existing rule which prohibits pets in state park and state forest cabins and the areas immediately around them to include permitting pets in state park cabins and state park lodges.

## **Statement of Circumstances Which Require This Rule**

- 2.12 Until the mid-1980's guests who stayed in state park and state forest cabins were permitted to bring their pets with them. Those pets were limited to cats and dogs. The first year following this ban the Parks and Recreation Section received hundreds of calls objecting to this ban. As the years have passed this number has dropped considerably, but occasionally the Parks and Recreation Office receives calls each year requesting this policy be reinstated. Parks and Recreation has never permitted pets in lodge rooms, however, many private lodging properties are making this service available to guests. Some sectors of the hotel industry are beginning to offer this service to the traveling public and charging additional fees to cover the more detailed cleaning that would be required. As our population ages and children leave home, many couples and individuals have pets for company and companionship. The Parks and Recreation Section believes it appropriate to add an additional one time non-refundable fee of \$75 to the cabin rental and a \$50 fee to the lodge rental to cover the additional cleaning costs required to thoroughly cleaning the rooms, as well as setting aside a small percentage of guest rooms and cabins to be designated as pet friendly units.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Rules Governing public use of WV State Parks, Forests, and Wildlife Management

Type of Rule:  Legislative  Interpretive  Procedural

Agency: Division of Natural Resources

Address: State Capitol Complex  
Bldg. 3, Room 713  
Charleston, WV 25305

Phone Number: 304-588-2764 Email: dougbaker@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.

It is our opinion that this rule change will be primarily revenue neutral. We will likely lose some business because of this rule change but at the same time will gain business. However, the net effect of this proposed rule change would be increased housekeeping costs which an additional cleaning fee may not cover. Other cost increases would be in the form of the replacement of furnishings on a more accelerated schedule than is normally expected in the hotel industry but those costs would be spread out over several fiscal years.

**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.

<b>FISCAL YEAR</b>			
Effect of Proposal	2005 Increase/Decrease (use "-")	2006 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0.00	11,250.00	22,500.00
Personal Services	0.00	2,250.00	4,500.00
Current Expenses	0.00	1,250.00	2,500.00
Repairs & Alterations	0.00	3,750.00	7,500.00
Assets	0.00	0.00	0.00
Equipment	0.00	4,000.00	8,000.00
Other	0.00	0.00	0.00
<b>2. Estimated Total Revenues</b>	0.00	- 3,250.00	- 6,500.00

Rule Title: Rules Governing public use of WV State Parks, Forests, and Wildlife Management

**3. Explanation of above estimates (including long-range effect):**

Please include any increase or decrease in fees in your estimated total revenues.

Hotel properties that permit pets in guest rooms do much more extensive housekeeping than normal. They change all bedding, including bedspreads, shampoo the carpet, and wipe down all furnishings and fixtures. By having to shampoo carpets there is a strong possibility that the room will be unavailable for rent the following night, which would result in a loss of revenue. Housekeeping requirements for cabins would be similar for lodge rooms, except that most cabins do not have carpeting. Other cost increases would be in the form of replacing furnishings on a more accelerated schedule than is normally expected in the hotel industry but those costs would be spread out over several fiscal years.

**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.

As mentioned in the summary, it is our opinion that this rule change will be primarily revenue neutral. We will likely lose some business because of this rule change but at the same time will gain business. However, the net effect of this proposed rule change would be increased housekeeping costs which an additional cleaning fee may not cover. Other cost increases would be in the form of the replacement of furnishings on a more accelerated schedule than is normally expected in the hotel industry but those costs would be spread out over several fiscal years.

Date: June 6, 2005

Signature of Agency Head or Authorized Representative

Frank Fejora

WEST VIRGINIA DIVISION OF NATURAL RESOURCES  
PARKS AND RECREATION

Rule Governing Pets in State Parks,  
State Forests, and State Wildlife Management Areas

**Current Rule**

- 2.12 Dogs and cats are the only pets permitted in state parks, state forests, and state wildlife management areas; however, they are prohibited in state park lodges, and in swimming pool and beach swimming areas. In and around campgrounds, picnic areas, playgrounds, designated roads and trails and other similar intense public use areas, they 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.

**Proposed Rule**

- 2.12 Dogs and cats are the only pets permitted in state parks, state forests, and state wildlife management areas. Pets are prohibited permitted in state park and state forest cabins and the areas immediately around them, and in state park lodges at those parks and forests identified by the Director of DNR for such use. The Director shall also have the discretion to set the number of state park and state forest cabins and the number of state park lodge rooms that will be designated as pet friendly, as well as to establish all necessary and incidental reservation policies and fees. Pets are prohibited in and around swimming pool and beach swimming areas. In and around campgrounds, picnic areas, playgrounds, designated roads and trails and other similar intense public use areas, they 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. Lodge and cabin pet policy for facilities not directly operated by the state will be set by the contractual operator subject to the review and approval of the Director