

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3 ■

Do Not Mark In This Box

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY: Ch.20-5-2

AMENDMENT TO AN EXISTING RULE: YES NO

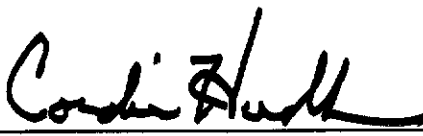
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____


TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 34

TITLE OF RULE BEING PROPOSED: Rules governing special projects and grants
for West Virginia State Parks, State Forests, and State Wildlife Management
Areas under the Division of Natural Resources

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



Authorized Signature


QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period, Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: August 30, 2000

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) DNR - Parks and Recreation
Bldg. 3, Room 713
Charleston, WV 25305

304-558-2764

LEGISLATIVE RULE TITLE: Rules governing special projects and grants for
West Virginia State Parks, State Forests, State Wildlife Management Areas
under the Division of Natural Resources

1. Authorizing statute(s) citation Ch. 20-5-2

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
July 13, 2000

b. What other notice, including advertising, did you give of the hearing?
Notice published in newspapers statewide

c. Date of Public Hearing(s) or Public Comment Period ended:
August 17, 2000

- d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing:
(be exact)

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all written correspondence regarding this rule: (Please type)

Mr. Cordie O. Hudkins, Chief

Parks and Recreation

State Capitol Complex, Building, 3, Room 713

Charleston, WV 25305

- g. IF DIFFERENT FROM ITEM 'f', please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

Mr. Douglas P. Baker, Business Manager

Parks and Recreation

State Capitol Complex, Building 3, Room 712

Charleston, WV 25305

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a

hearing for the taking of evidence and a general description of the issues to be decided.

Not Applicable

b. Date of hearing or comment period:

Comment period dates from July 13, 2000 to August 17, 2000

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

Not applicable - Findings and determination not a statutory requirement

d. Attach findings and determinations and reasons:

Attached No comments received

Summary of Proposed Rule

This rule change merely moves two sections of rule Title 58, Series 31 to Title 58, Series 34 (a new series titled, "Rules governing special projects and grants for West Virginia State Parks, State Forests, and State Wildlife Management Areas under the Division of Natural Resources). These two particular rules (Title 58, Series 31, 2.23 and 2.25) do not pertain to state park, state forest, and state wildlife management area operations, but more with special circumstances related to funding special projects and the administration of state park foundation grants by the Division of Natural Resources. This change does not affect the administration or enforcement of the rule itself and is only intended as a technical change.

Statement of Circumstances Which Require This Rule

- 2.23 This rule applies to the formation of state park foundations and establishes guidelines whereby state park foundations who have adopted a state park or state forest may apply for and be awarded 50% matching grants for projects approved by the Chief of Parks and Recreation. This rule does not pertain to state park, state forest, and state wildlife management area operations, as does rule 2.25, and therefore, should be placed in another series of rules which are being proposed to cover special projects and grants. This change does not affect the administration or enforcement of the rule itself and is only intended as a technical change.
- 2.25 This rule authorizes the Director of the Division of Natural Resources to provide free use of a picnic shelter or cabin in exchange for a donation of materials and labor for the construction of the cabin or picnic shelter. This rule does not pertain to state park, state forest, and state wildlife management area operations, as does rule 2.23, and therefore, should be placed in another series of rules which are being proposed to cover special projects and grants. This change does not affect the administration or enforcement of the rule itself and is only intended as a technical change.

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
PARKS AND RECREATION
Title 58, Series 34

Rule Governing Special Projects and Grants for State Parks,
State Forests, and State Wildlife Management Areas

Current Rule

There is no current rule

Proposed Rule

- 2.1 State park and forest or other public land area foundations may apply for and be awarded 50% matching grants of up to \$7,500 per project as part of an "adopt a state park or forest program" for maintenance and improvement projects approved by the Chief of Parks and Recreation. To qualify, a chartered foundation must formally adopt the area for which it was created and for which it is working. A foundation may adopt a park, forest or recreation area with the approval of the Director of the Division of Natural Resources.
- 2.2 With prior authorization of the Director of the Division of Natural Resources any individual or group may have free use of a picnic shelter for one day during each calendar year or have free use of a cabin for one week during each calendar year in exchange for donation of materials and labor for the construction of the cabin or picnic shelter. The design and construction of the cabin or picnic shelter must be in accordance with Division standards and specifications. A group is defined as a family, business, corporation or non-profit organization whose by-laws are registered with the Secretary of State. The group shall designate a contact person who is responsible for securing the picnic shelter or cabin reservation each year. The non-transferrable fee waiver expires when the amount of the donation equals the loss of revenue from the fee waiver or until the individual dies or the group ceases to exist. The Director shall determine the donation value by the cost of materials and labor donated and shall divide that value by the standard rental fee charged at the time construction is completed to determine the expiration date of the fee waiver with the Director being the sole judge of the value of donated labor. Construction of cabins is restricted to state parks or state forests which already have cabins. Individuals or groups who are eligible for this fee waiver may make reservations for the use of a picnic shelter or cabin one week in advance of established reservation policies.

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

**SERIES 34
SPECIAL PROJECTS AND GRANTS FOR WEST VIRGINIA STATE PARKS,
STATE FORESTS, AND STATE WILDLIFE MANAGEMENT AREAS
UNDER THE DIVISION OF NATURAL RESOURCES**

§58-34-1. General.

1.1. Scope. -- This legislative rule governs special projects and grants for West Virginia state parks, state forests, and recreation areas in state wildlife management areas under the jurisdiction and management of the Division of Natural Resources. This rule shall not be construed to include the state forests or state wildlife management areas, or any areas or facilities in the state forests or state wildlife management areas, under the jurisdiction and management of the Department of Agriculture or other sections of the Division of Natural Resources, respectively. 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 §20-5-2.

1.3. Filing Date. --

1.4. Effective Date --

§58-34-2. General Rules Governing Special Projects and Grants for State Parks, State Forests, and Recreational Areas in State Wildlife Management Areas under the Division of Natural Resources.

2.1 State park and forest or other public land area foundations may apply for and be awarded 50% matching grants of up to \$7,500 per project as part of an "adopt a state park or forest program" for maintenance and improvement projects approved by the Chief of Parks and Recreation. To qualify, a chartered foundation must formally adopt the area for which it was created and for which it is working. A foundation may adopt a park, forest or recreation area with the approval of the Director of the Division of Natural Resources.

2.2 With prior authorization of the Director of the Division of Natural Resources any individual or group may have free use of a picnic shelter for one day during each calendar year or have free use of a cabin for one week during each calendar year in exchange for donation of materials and labor for the construction of the cabin or picnic shelter. The design and construction of the cabin or picnic shelter must be in accordance with Division standards and specifications. A group is defined as a family, business, corporation or non-profit organization whose by-laws are registered with the Secretary of State. The group shall designate a contact person who is responsible for securing the picnic shelter or cabin reservation each year. The non-transferrable fee waiver expires when the amount of the donation equals the loss of revenue from the fee waiver or until the individual dies or the group ceases to exist. The Director shall determine the donation value by the cost of materials and labor donated and shall divide that value by the standard rental fee charged at the time construction is completed to determine the expiration date of the fee waiver with the Director being the sole judge of the value of donated labor. Construction of cabins is restricted to state parks or state forests which already have cabins. Individuals or groups who are eligible for this fee waiver may make reservations for the use of a picnic shelter or cabin one week in advance of established reservation policies.

Fiscal Note Worksheet
(Submit 4 copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT: Permitting pets in state park and forest cabins FUND NO 3265

SOURCE OF REVENUE: _____ GENERAL FUND SPECIAL _____ OTHER (specify) _____

COST ESTIMATE BASED ON: AN ORIGINAL ESTIMATE _____ BUDGET BILL _____ OTHER (specify) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE _____ BUDGET BILL _____ OTHER (specify) _____

Show overall effect in items 1 and 2, and in item 3 give explanation of breakdown by fiscal year including long-range effect.

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. Estimated Total Cost	\$0	\$0	\$0	\$0	\$0
Personal Services					
Current Expenses					
Repairs and Alterations					
Equipment					
Other					
2. Estimated Total Revenues	\$0	\$0	\$0	\$0	\$0

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

These proposed rules will have no impact on the agency budget or revenues.

Date

Agency

Authorized Representative

