

Form #3

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Rich O. Hartman
Administrative Assistant

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Rules Governing Public Use of West Virginia State Parks, State Forests, and State Hunting and Fishing Areas Under the West Virginia Department of Commerce. 1989 SEP 13 AM 11:09

Type of Rule: X Legislative Interpretive Procedural

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Agency West Virginia Division of Commerce Address 2101 Washington St., E., Charleston, WV 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

Application and enforcement of the two rule changes will not cause or require an increase or decrease in the State budget, nor impact on revenues and expenditures.

3. Objectives of these rules: Feeding of wildlife by state park, state forest, and state public hunting and fishing area guests has become very prevalent and now constitutes a major recreational area management problem. The practice is very harmful to wildlife, causing animals to rely on humans for food. In extreme weather conditions or when such food is not available, the animals perish having lost the ability or desire to fend for themselves. When the animals become tame, they become very subject to injury from vehicles and guests. More importantly they become a threat or danger to guests, and can cause serious injury, including rabies from a bite, or severe bodily injury. This is a very real source of state liability. Therefore, the practice must be stopped.

Mountain and trail bicycles are causing environmental damage in state recreational area. Therefore, it is necessary to control their use so such damage will not occur.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

There is none.

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

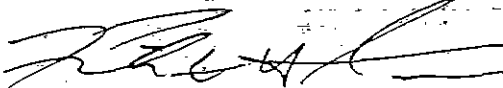
There is none.

C. Economic Impact on Citizens/Public at Large.

There is none.

Date: September 11, 1989

Signature of Agency Head or Authorized Representative



Rich O. Hartman
Administrative Assistant

FILED

1969 SEP 13 AM 11:08

TITLE 144
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
RULES GOVERNING PUBLIC USE OF
WEST VIRGINIA STATE PARKS, STATE FORESTS, AND STATE
HUNTING AND FISHING AREAS UNDER THE WEST VIRGINIA
DEPARTMENT OF COMMERCE

§144-1-1. General.

1.1. Scope.-- These legislative rules govern the public use of West Virginia state parks, state forests, and recreation areas in state public hunting and fishing areas under the jurisdiction and management of the West Virginia Department of Commerce. They shall not be construed to include the state forests or state hunting and fishing areas, or any areas or facilities therein, under the jurisdiction and management of the Department of Agriculture or of the Department of Natural Resources, respectively. The rules are 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 §5B-1-13a

1.3. Filing Date.

1.4. Effective Date.

§144-1-2. General Rules Governing Public Use of State Parks, State Forests, And Recreational Areas In State Public Hunting And Fishing Areas Under The West Virginia Department of Commerce.

2.1. It is unlawful to cut, deface, destroy, or drive any object into any tree, shrub, rock, sign, building or other structure or object in a state park, state forest, or state public hunting and fishing area. This rule does not apply to the erection of temporary blinds or tree stands in public hunting areas.

2.2. It is unlawful to remove any man-made or natural object, material, substance, plant, animal, or historical or archeological relic or artifact from a state park, state forest,

or state public hunting and fishing area, except those legally acquired through hunting and fishing in accordance with Article 2, Chapter 20 of the Code of West Virginia, 1931, as amended, or upon proper authorization in writing by the Director of the Division of Parks and Recreation, Department of Commerce.

2.3. Fires may be lighted only in fireplaces, fire rings or grates provided by the State or in places designated by the area superintendent. Those responsible for a fire shall extinguish it completely before leaving it. Ashes, charcoal briquets and other materials used for a fire shall be left in the fireplace, fire ring, grate or place designated for the fire, or be deposited in a trash container or one provided specifically for that purpose but only after they are extinguished. Such materials shall not be strewn over the ground.

2.4. No person shall attempt to or hunt, catch, capture, take, kill, trap, pursue or have in his possession any animal, except as provided in Article 2, Chapter 20 of the Code of West Virginia, 1931, as amended. Hunting is prohibited in all state parks; however, legally authorized hunting is permitted in state forests, and state public hunting and fishing areas.

2.4.1. No person shall attempt to feed, or feed, any animal in a state park, state forest, or state public hunting and fishing area, except a pet they own, or as part of a wildlife management program officially approved by the state agency having lawful jurisdiction over the program.

2.5. Loud or excessive noise, demonstrations, disturbances, disorderly conduct, profanity, public drunkenness, and the possession or use of controlled substances is prohibited and unlawful.

2.6. Swimming is prohibited in state parks, state forests, and state public hunting and fishing areas, except in places designated for that purpose.

2.7. Recreational activities including, but not limited to, rock climbing, rappeling, hang gliding, parachuting, parasailing, skydiving, spelunking and other like or similar recreational activities that require a high degree of specialized training and equipment are permitted, except where they are prohibited by posted signs. Persons who intend to participate in any such activity shall register at the area superintendent's office before engaging or participating in it and specify where it will take place and give evidence of having proper training and equipment for the activity. Participants in such activities assume full responsibility and liability for any risk or injury related to the activity. Scenic rocks, overlooks and vistas are for providing

scenic beauty and aesthetic benefit for guests; therefore, they shall not be used for, or disfigured by, any such recreational activity. This rule does not apply to golf, skiing, horseback riding, hunting or fishing.

2.8. 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 park, state forest, or state public hunting and fishing area.

2.9. Lodge rooms, cabins, campsites, picnic shelters, swimming pools and beaches, or any other facility shall not be subleased by guests or patrons.

2.10. It is unlawful for any person not to pay the rental, charge or fee for any facility, service, activity or good he uses or purchases in a state park, state forest, or state public hunting and fishing area.

2.11. Only registered lodge, cabin, and camping guests, licensed hunters, and fishermen while hunting or fishing and persons who have authorized, legitimate business in a state park, state forest, or state hunting and fishing area are permitted on the premises between the closing hour of 10:00 P.M. and the opening hour of 6:00 a.m. during which hours they are closed to the general public.

2.12. Dogs and cats are the only pets permitted in state parks, state forests, and state public hunting and fishing areas; however, they are prohibited in state park and state forest cabins and the areas immediately around them, in state park lodges, and in swimming pool and beach swimming areas. In and around campgrounds, picnic areas, playgrounds 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 its excreta, keep it quiet and from disturbing other guests, and be responsible for all damages it causes.

2.13. Explosives, incendiaries, flammables and other dangerous substances are prohibited in state parks, state forests, and state public hunting and fishing areas.

2.14. Uncased firearms, uncased bows and uncased arrows are prohibited in state parks, state forests, and state public hunting and fishing areas, except:

1. When the area is open for hunting (hunting is prohibited in state parks) or when a registered park or forest guest has the written permission of the area superintendent to carry them cased from his lodge room, cabin or campsite to open hunting areas, or to an officially designated rifle, pistol, skeet, trap, target or shooting range.
2. Area superintendents may authorize their use in historical reenactments and plays.
3. The Director of the Division of Parks and Recreation, Department of Commerce, may authorize their use for a limited period in conjunction with recreational and arts and crafts programs.

2.15. The Department of Commerce assumes no responsibility for any personal property. If personal property is abandoned or left unattended more than forty-eight (48) hours, it will be removed from the public use area and disposed of according to law.

2.16. Hawking, peddling, soliciting, begging, advertising, or carrying on any business or commercial enterprise is prohibited in state parks, state forests, and state public hunting and fishing areas without the written permission of the Commissioner of the Department of Commerce.

2.17. Fishing and boating are permitted in state parks, state forests, and state public hunting and fishing areas only in accordance with state law, fishing and boating rules and regulations promulgated thereunder, and rules publicly posted in those areas.

2.18. The speed limit is thirty (30) miles per hour in state parks, state forests, and state public hunting and fishing areas, except where a lower speed limit is posted. All traffic laws, signs and directions shall be strictly observed. Driving of motor vehicles in any manner that creates a nuisance to any guest by repetitive or continuous cruising or operation is prohibited.

2.19. Motor vehicles including, but not limited to, trail bikes, motorbikes, snowmobiles, and all terrain vehicles may be operated only on public roads usable by automotive vehicles, and on trails and areas designated for their use by the area superintendent by posted signs. It is unlawful for any unauthorized motor vehicle to go beyond a gate, cable, or other obstruction, or to proceed beyond any sign prohibiting such travel. All motor vehicles in state recreational areas shall obey and comply with all applicable state laws, rules and regulations.

2.19.1. Mountain and trail bicycles may be operated only on public roads, trails and other readily recognizable passageways such as logging roads and oil/gas well roads, except that they shall not be operated on horseback riding trails when they are open for such use, nor shall they be operated on any trail or road where their use is prohibited by posted signs.

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

2.21. Beer, wine, liquor, and all other alcoholic beverages are prohibited within the boundaries of all historical, day use and natural area state parks, which are Beartown, Berkeley Springs, Carnifex Ferry Battlefield, Cass Scenic Railroad, Cathedral, Chief Logan, Droop Mountain Battlefield, Fairfax Stone Historic Monument, Grandview, Little Beaver, Pinnacle Rock, Point Pleasant Battle Monument, Prickett's Fort, Valley Falls, and Watters Smith Memorial, and the Greenbrier River Trail; in the following vacation parks: Audra, Babcock, Stonewall Jackson Lake, and Tomlinson Run, in all boat launch ramp parking areas within the boundary of Bluestone State Park, and in all of Hawks Nest State Park except the lodge; in all state forests, which are Cabwaylingo, Calvin Price, Camp Creek, Coopers Rock, Greenbrier, Kanawha, Kumbrabow, Panther, and Seneca; in the following state public hunting and fishing areas: Berwind Lake, Big Ditch Lake, Bluestone, Laurel Lake, Moncove Lake, Pleasants Creek, Plum Orchard Lake, and Teter Creek Lake; and in those state park areas where they are prohibited by posted signs. Any person may apply to the Superintendent of the park for a special event permit and pay an application fee for use of firearms, during historical reenactments, or the use of hay, straw, boughs, pine needles or similar materials for special events. The park superintendent may issue a permit to limit areas of use of any of these exceptions and require damage assessments, if necessary.

2.22. No person may operate a motor driven vehicle on the Greenbrier River Trail, except (a) those persons who have a vested right of ingress to and egress from the trail, (b) those persons who are authorized by the Commissioner of the Department of Commerce to use them in the management, construction, maintenance and operation of the trail and its facilities; or (c) to fight forest fires and handle other emergencies.

2.23. Any person may be evicted from a state park, state forest, or state public hunting and fishing area for any breach of the rules set forth herein, or for the breach of any other rule which is in effect governing their use. All rentals, charges and fees are forfeited upon such eviction.

§144-1-3. Rules Governing Public Use of Campgrounds in State Parks, State Forests, and State Public Hunting and Fishing Areas Under the West Virginia Department of Commerce.

3.1. Campsites which are not reserved shall be rented on a first come, first served basis. Campers shall register before occupying a campsite, unless otherwise instructed by posted signs or by other clear means. A campsite is reserved when the rental fee for the site has been paid, which shall be indicated by a camping permit affixed to the numbered campsite post.

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

3.3. Camping in any manner is prohibited in state parks, state forests, and state public hunting and fishing areas, except at numbered sites in areas designated for camping. Campground facilities are provided for the exclusive use of registered campers, except that the area superintendent, at his discretion, may permit cabin guests to use campground laundry facilities during periods of low use by campers, preferably at a designated time.

3.4. The length of stay in any camping area shall not exceed fourteen (14) consecutive nights, except after Labor Day until the first day of May of the following year campsites may be rented for longer periods, at the discretion of the area superintendent, when there are vacant campsites. At the end of a rental exceeding fourteen (14) consecutive nights the area superintendent, at his discretion, may request the camper to move to another campsite for conservation and maintenance of the first rental site. In no case may occupancy of a campsite be extended by the camper registering under a different name.

3.5. 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 superintendent, 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.

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

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

3.8. The washing of any equipment, paraphernalia, clothing, pet or the body is prohibited at water fountains and water pumps, and in lakes, ponds, pools and streams. The washing of cooking utensils, tableware, flatware or any other cooking or eating paraphernalia is prohibited at water fountains and water pumps, and in comfort stations, bathhouses and washrooms.

3.9. Hay, straw, boughs, pine needles or other similar materials shall not be kept or used in tents or screened rooms or under shelters for bedding or any other purpose, except the Director of the Division of Parks and Recreation, Department of Commerce, may permit the use of hay and straw in conjunction with special events or programs.

3.10. 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.

3.11. 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. Motorbike riding is prohibited in camping areas, except to go to and from the campsite.

3.12. 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.

§144-1-4. Rules Governing Public Use of Swimming Areas in State Parks, State Forests, and State Public Hunting and Fishing Areas Under the West Virginia Department of Commerce.

4.1. Swimming is prohibited in state parks, state forests, and state public hunting and fishing areas, except in places designated for that purpose. Each person entering a designated swimming area shall pay the admission fee, except cabin and lodge guests are exempt. Children who have not reached their tenth (10th) birthday shall be accompanied at all times they are in the swimming area by a responsible person at least twelve (12) years of age. Persons who have reached their twelfth (12th) birthday are required to purchase an adult ticket for admission to the swimming area.

4.2. Any person may be denied admission to the swimming area who has a skin abrasion, cold, cough, inflamed eye, infection,

rash, bandage or cast. Admission shall be denied to any person who is under the influence of alcohol, controlled substance or medication.

4.3. Glass, food, ice chests, picnic supplies, beer, wine, alcoholic beverages, controlled substances and pets are prohibited in swimming areas. Food and drink purchased from the concession stand may be consumed only in the area designated for that purpose.

4.4. Plastic or rubber rafts, inner tubes, balls, inflatable water wings, and similar paraphernalia, toys and man-made objects of any kind are prohibited within the swimming area, except that exceptions may be made for the handicapped and for organized activities at the discretion of the lifeguard in charge.

4.5. No person is permitted in a swimming pool unless he is dressed in recognized swimming apparel. No street wear, cutoffs or similar apparel may be worn in a swimming pool. Parents and guardians who have purchased an adult ticket may enter the swimming area in street clothes to accompany and supervise their children who have not reached their twelfth (12th) birthday and have purchased a children's ticket. Parents and guardians who enter the swimming area and are not dressed in recognized swimming apparel are prohibited from entering the water. These restrictions do not apply to swimming areas which are natural bodies of water.

4.6. The wearing of indecent swimming or other apparel, the commission of any indecent act, and the commission of any act of indecent exposure are prohibited in the swimming area. Commission of any such act is cause for immediate eviction from the swimming area.

4.7. Only one (1) person is permitted on a diving board at a time. Running, pushing, wrestling, roughhousing or causing undue disturbance, noise or commotion is prohibited in the swimming area.

4.8. Only state employees or other authorized personnel are permitted behind counters where cash registers are located, behind concession stand counters, or in concession stand food storage areas, basket rooms, swimming area storage supply rooms, filtration rooms or chlorine rooms.

4.9. Every person entering a swimming area shall comply with all swimming rules and every instruction or directive of the lifeguards. Any person who fails to comply may be evicted immediately from the swimming area by a lifeguard or other state employee. Any person evicted forfeits the fee he paid to enter the swimming area.

4.10. No refunds may be given for any reason to any person who leaves the swimming area.

§144-1-5. Enforcement Of Rules Governing Public Use of State Parks, State Forests, And Recreation Areas In State Public Hunting And Fishing Areas Under The West Virginia Department of Commerce and Penalties.

5.1. Responsibility for enforcing the rules.

It is the duty and responsibility of Conservation Officers, Special Conservation Officers, and the superintendents, assistant superintendents and managers of state parks, state forests, and state public hunting and fishing areas to enforce the rules set forth in this Series 1.

5.2. Violation of rules and penalties.

Any person violating any of the rules set forth in this Series 1 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished in accordance with Section 9, Article 7, Chapter 20 of the said Code.

Dear Mr. Andrews,

8-3-89

My name is Carla Eogue. I was born and raised in West Virginia. I am now 22 years old, and as a young adult I would like to express my concerns over the recent Mountain bike law.

Growing up, I loved to ride my bike. Everyday after school and on week-ends that is where you found me, on my bike. I still love to ride. The young people coming up today are very much the same. I sit on my porch everyday and see all kinds of young people riding their bikes, and the majority of bikes are mountain bikes.

I would like to see the law re-worded to say, "All trails open to mountain bikes unless otherwise posted by park officials".

This would give our young people a place to ride safely. So many of our young people are either injured or killed by riding their bikes in the streets and on our highways. As a parent, I am very concerned about this. As my child grows up I want him to have safe places to ride. If we close all but a couple of trails, then the trails are going to be so over used that people will be discouraged and maybe quit riding because there will be no place to ride. I would hate to see this happen. This is one event, a whole family can participate in. It is also something for our children + teenagers to get involved in.

I know I would much rather see our young people on mountain bikes, learning the skills and having fun instead of being out on the streets drinking, and being put in jail.

A lot of young people get into trouble because

they get bored, they say there is nothing to do.
Well, this gives them something. I'm not saying
it will end all of our problems, but I feel its
a foot in the right direction.

Please dont take our trails away.

For the goodness of our young people, please
help us in promoting it.

Thank you for taking the time to listen.
Its good to know someone is really interested
in hearing what we have to say + how we
feel.

Carla Esque

4727 Green Valley Road

Huntington West Virginia 25701

7/31/89

To whom it may concern,

I own Terri's Front Porch and Motel in Davis. I am very concerned about the possible area restrictions for mountain bikers.

A high percentage of my cliental includes those who have come to this area to enjoy the many benefits of off-road cycling. To date, some of my most profitable weekends are during the Canaan Mt. Series, mountain bike event. Enforcing strict regulations can only discourage these tourists. The Town of Davis can not afford to lose this business.

Please consider all consequences of these proposed laws before making a decision.

Sincerely,

Teresa Mathes

My Name is Charlie Mullins. I Have Been
Riding A Mountain Bicycle for About 2 yrs.
I respect the rights of other park and
forest users I ride My Bicycle As safely
AND responsibly As possible. I even end
up picking out trash & litter left By
Careless users of our State forest and
Parks.

Being A ~~A~~ life long resident of
this State. I Believe the Key to
Usage of our Parks and forests is
Cooperation Education AND respect for
users of our resources.

I would like to see Multi-use
trails and roads with sharing rather
than restriction.

Thank you.

Charles R Mullins
5284 B Big Tyler Rd.
Charleston, W Va 25313

P.S. I would Be Interested in Helping to repair
the Damage supposedly Done By Mountain Bikes
And Help to Maintain trails.

APT 310 1208 WOOD AVE
WHEELING, WV 26003
25 JULY, 1989

Dear Mr. Andrews;

We heartily approve "your"
proposed rules to prohibit feeding
of wild animals on state owned & oper-
ated facilities, (Feeding of wild
animals usually ends in tragedy
for the animals) and to prohibit
the operation of mountain and trail
bicycles on state owned & operated
facilities except on public roads
and designated areas. (These ve-
hicles sure do tear up the environ-
ment, both physically & "spiritually".)

We hope the rules are approved
and **ENFORCED!!!**

Good luck & Thank you;

John S. Kosticky
JOHN S. KOSTICKY
Carol M. Kosticky
CAROL M. KOSTICKY

MINUTES OF PUBLIC HEARING ON EMERGENCY AMENDMENT OF
EXISTING LEGISLATIVE RULES

1039 SEP 13 AM 11:09

Legislative Rules, West Virginia Division of Commerce
Title 144, Series 1, Authority W. Va. Code 5B-1-13a

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

RULE TITLE: Rules Governing Public Use of West Virginia State Parks, State Forests, and State Hunting and Fishing Areas Under the West Virginia Department of Commerce.

Emergency amendment of the above subject rules was filed with the West Virginia Secretary of State on June 29, 1989. The amendment was as follows:

§144-1-2. General Rules Governing Public Use of State Parks, State Forests, And Recreational Areas In State Public Hunting and Fishing Areas Under The West Virginia Department of Commerce.

2.4.1. No person shall attempt to feed, or feed, any animal in a state park, state forest, or state public hunting and fishing area, except a pet they own, or as part of a wildlife management program officially approved by the state agency having lawful jurisdiction over the program.

2.19.1. Mountain and trail bicycles may be operated only on public roads, and on trails and areas designated for their use by the area superintendent by posted signs.

These were new rules added by emergency amendment to the Legislative Rules.

A public hearing was held on these two rules at 2:00 p.m., on Wednesday, August 2, 1989, in Conference Room B, Building 7, State Capitol Complex, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The public hearing was recorded on tape. The tape is filed in the office of the Division of Commerce Parks and Recreation, Room B-451, Building 6, State Capitol Complex, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following people were present at the hearing:

Charles R. Spears, Director of Parks and Recreation, Division of Commerce

Rich O. Hartman, Administrative Assistant, Division of Commerce

Donald R. Andrews, Chief, Special Projects and Grants, Parks and Recreation, Division of Commerce

Vicky Casto, Secretary, Parks and Recreation, Division of Commerce

Andrea Haynes, Intern, Parks and Recreation, Division of Commerce

Matthew Marcus, West Virginia Mountain Bike Association

Laird Knight, Blackwater Bikes

Lonnie Sears, mountain bike enthusiast

Matthew Moriarty, Vandalia Velo Bicycle Racing Club

David Lambert, mountain bike enthusiast

Kevin Slack, mountain bike enthusiast and race promoter

Jean Buckley, individual interested in mountain biking

Bill Nottingham, Charleston Bicycle Center

Dan Long, Elk River Touring Center

Jon Lexton, President, West Virginia Mountain Bike Association

Warren Burdick, Huntington Bicycle Center

Thomas Harris, West Virginia Mountain Bike Association, and Whitetail Mountain Bikes

Larry Belcher, West Virginia Mountain Bike Association

Carla Esque, individual interested in mountain biking

Merrily Mayne, individual interested in mountain biking

Sharon Henderson, individual interested in mountain biking

Charles R. Mullens, individual interested in mountain biking

Scott Ferguson, individual interested in mountain biking

David Porter, individual interested in mountain biking

Katherine L. Porter, individual interested in mountain biking
Ted Fries, The Bear's Den Restaurant, Davis, West Virginia
Bob Schwarz, The Charleston Gazette

A sign-in sheet of attendees, their addresses and who they represented is attached.

The public hearing was conducted by Mr. Andrews. He introduced Mr. Spears. Mr. Andrews stated the purpose of the public meeting was to receive oral and written comments on the two emergency rules. He explained the steps taken to effect the two emergency rules, and why they were put into effect. He then announced to the attendees that he was ready to receive comments.

Twelve of the twenty-two persons in attendance made oral statements. All pertained to the emergency rule on mountain and trail bicycles. They were as follows: Mr. Marcus, Mr. Knight, Mr. Sears, Mr. Moriarty, Mr. Lambert, Mr. Slack, Mr. Buckley, Mr. Nottingham, Mr. Long, Mr. Lexton, Mr. Burdick, and Mr. Harris. Mr. Marcus submitted written comments, which are attached herewith as part of this record.

A summary of the oral statements follows:

Mr. Marcus stated he was the Land Access Coordinator for the West Virginia Mountain Bike Association, the manager of Blackwater Bikes Bicycle Shop in Davis, West Virginia, and an avid mountain bike enthusiast. He discussed the formation, organization, purposes and activities of his association. Then he stated the association's concern about the mountain and trail bicycle rule. Because his oral statement was identical to his written statement attached herewith, details will not be set forth here. He believed the rule would discourage mountain bicycle use, would turn users away from state recreational areas and have a negative economic benefit. He recommended further study before the rule is permanently implemented, or that it be modified to read positively to "permit the operation of mountain trail bicycles in state parks, forests and public hunting and fishing areas, except in areas where they are prohibited." He felt most state recreational area trails could support their use without harm or conflict. He recommended that their use be banned only in the trouble spots and that a program be started to educate recreationists about all facets of mountain and trail bicycling.

Mr. Knight, the owner of Blackwater Bikes, said he has been promoting the sport of mountain and trail bicycle use for six years. He stressed the positive economic impact and benefit of the sport saying it generated \$250,000 yearly for the Tucker County area, plus the gross sales of the bicycles. He said the way the rule is written discriminates against the sport. He recommended

keeping all trails open initially and closing them on a case-by-case basis where a problem occurs for whatever reason. He discussed the mountain bicycle races that will be held at Coopers Rock and Kanawha State Forests, and Beech Fork State Park on August 5-6, 1989, and their benefit. He wanted the rule changed to provide that mountain bikes can be ridden anywhere it is not prohibited. He said the heavy use of trails by mountain bicyclists is a good sign, not bad, and that it is four-wheel, off-road vehicles causing the trail damage. Mountain bicycles do not, he said, and referred to statements by Mary Wimmer of the Sierra Club that she was surprised that they do such little damage. Saying mountain bikes weigh about 25 pounds and have about as much impact as a hiker in Vibram-soled hiking boots, he said he had seen 300 bicyclists roll over grass with little or no effect. He ended stressing the merits of mountain bicycling-sales, simplicity, fun, relatively inexpensive, and a rapidly growing sport.

Mr. Sears stated his concern about the proposed mountain bicycle rule was personal. Formerly he used his bicycle as his sole means of transportation, including to go to and from work. Then he had an accident involving a car earlier this year. He is scared to ride on the road anymore, he said. Now mountain bicycling is his sole source of therapy. The only place he has to ride without coming into contact with cars is at Kanawha State Forest. He said he rides there all the time and does not see how it hurts the trails, while he gets his therapy and can enjoy the great beauty of the State available in the forest.

Mr. Moriarty stated the Vandalia Velo Bicycle Racing Club is based in Charleston, but has members across the State and is particularly strong in Morgantown. He stressed that bicycling impact on forests was minimal - no noise, no gas fumes, no damage. Further, he stressed the economic benefits stemming from the mountain bicycling sport. He wished there had been more notice given of the rule change. If there had been, he said the hearing room would be packed with bicyclists protesting the rule.

Mr. Lambert remarked that the Division of Commerce, Parks and Recreation, sponsors mountain bicycle races and promotes them yet has now taken steps to prohibit them. He was concerned because the prohibition was done by emergency rule. While the division is cooperating with the bicyclists, it is acting against them. He said it is a real contradiction. He added a Department of Natural Resources employee at Beech Fork State Park told him the week before that he had no problem with mountain bikes but only with four-wheelers, saying he considered bicycling very healthy.

Mr. Knight interjected that he would like to see evidence of the damage mountain bikes are doing. He said he simply could not believe they were doing "irreparable" damage. He opined it was four-wheelers and motorcycles causing such damage.

Mr. Slack said severe environmental damage was mentioned as the reason for the rule. He asked if any studies had been done to determine if that was the case. He said mountain bikers should have access to any facts that had been gathered. He went on to say he had been promoting mountain bike races for three years at Kanawha State Forest and while Superintendent Tommy Murdock, who was Superintendent during the first two years, was hard to work with, when he saw what the mountain bikers were doing he very was understanding and worked well with them and was all for it. He said new Superintendent Alvan Gale is easy to work with and, consulting with the Mountain Bikers Association, is marking forest trails for use by bikers, for example in Johnson Hollow. He commented Superintendent Gale is 100% for the bikers because the forest is so big all users can be accommodated.

Mr. Knight told of an article he had recently read that showed a triangular sign used in the west to mark trails. On the sign were symbols indicating which type of user could use the trail and which user was to yield to other users. For example, the bicyclist was to yield to the hiker. He recommended use of the signs in state recreational areas.

Ms. Buckley recommended a much narrower restriction of mountain biking now, and that it be broadened, if needed.

Mr. Nottingham said he has the Charleston Bicycle Center and the main buyers of mountain bikes are not young people, but rather older men and women, many times with children, who bike as a family activity. By this rule you are going to disturb an activity available to entire families. The way the rule is stated now it will affect use of accesses from private areas onto public areas. Signs will have to be posted everywhere. Also, bicyclists use gas well roads, etc., no one else uses. The rule would prohibit use of these roads by bicyclists, roads no one else uses. If the rule was changed as suggested, to allow biking except where it is specifically prohibited, it would eliminate the confusion a lot of people have now regarding the proposed rule change.

Mr. Long stated he was with the Elk River Touring Center in Pocahontas County and that he was there to talk about the economics of mountain bicycling. He said many people were coming into West Virginia from other areas and states where mountain bicycling has been banned or severely restricted. We are drawing people from the west coast and the Rocky Mountain area. They are coming into West Virginia from those areas where mountain biking has been banned universally and they are coming to West Virginia because it is wide open. We are afraid banning mountain bicycling, as proposed in the rule, will keep people from coming into West Virginia. We believe mountain biking should be banned from certain areas and trails and state authorities should do that. There are fragile ecosystems and environmental areas that should be protected. We encourage that. In fact, on page four of a booklet we have put together (entitled

"Mountain Bike Rides in Pocahontas County, West Virginia") we recommend that people stay away from areas we feel are delicate, so we are a proponent of protection where needed, but we feel it is bad to prohibit it universally. We believe mountain bicycling is of great economic benefit to West Virginia - one we have just begun to tap.

Mr. Lexton, in response to a question from Mr. Andrews, said mountain bicycling had been banned in certain western states because they did not have the wide open areas West Virginia has and the limited spaces they had were overused and being destroyed, but we have wide open, unused land. It should not be banned here like that. California is an example of severe over-use. He said he had checked the rules of states around West Virginia and determined the more crowded they were, the less they restricted bike use. For example, Connecticut encourages mountain biking. Maryland, Ohio, Virginia, Pennsylvania, New York and Connecticut were checked by telephone, he said. He admitted there were some bicyclists who cut cross country, down switch backs and down hiking trails who caused problems and damaged the environment. That is not the case in West Virginia. Further, there are environmentally sensitive areas and plants and animals that should be protected. But, he did not believe a ban on mountain bicycling was the answer, and that the proposed rule was a step backward. He said the rule was just the opposite of what it should be.

Mr. Burdick said he wanted to talk about the situation from a totally economic viewpoint. He opened the Huntington Bicycle Center in 1976. For several years he thought he might have to leave the State because business was poor. Quite frankly, he said West Virginia is not a bicycle mecca. You simply cannot ride bikes on the roads because it is dangerous and you take your life in your hands and the state is so mountainous. The roads are too narrow for bicycles to share it with cars. To ride in West Virginia you need a mountain bicycle. They are now being used as all-purpose vehicles with mere changing of the tires to meet riding conditions. Now mountain bicycling is catching on. People are buying them and they are not cheap. He said they have kept him in business and in the State. Now he can stay in business and not have to think about going to Ohio. He has two employees now and pays more taxes. My business helps the State. Mountain bikes cost \$450 to \$600. Sales tax alone is important. This rule is going to hurt the recreational activity and bust me and my business, he said. The rule will result in overuse of the few trails that will be marked for use, and many of the trails that are suitable for mountain biking will not be marked for use and the activity will be hurt badly.

Mr. Harris said he had promoted bicycle races in Coopers Rock State Forest and said there had been no conflict with the Superintendent there with hikers or other users of the forest. He said

it was another good example of how bikers can work together with hikers and area superintendents.

Mr. Spears asked how long most mountain bicycle races were. Mr. Marcus responded that they range from 20 kilometers, 12 miles up to 50 kilometers, 30 miles. Sometimes they are done on a lap basis, but West Virginia is known as one where the race covers just one course. Mr. Marcus went on to discuss at length the problems California, overcrowding, abuse of the land, etc., and why mountain biking has been restricted there so severely. He said such problems simply do not exist in West Virginia.

Mr. Slack discussed the mountain bike races to be held at Kanawha State Forest on the following weekend (August 5-6, 1989), which he put together. He invited everyone in the room, including those conducting the hearing, to attend the races on Sunday. He said participants from out-of-state will outnumber those from in-state three to one. It is a 40 kilometer race, about 25 miles. You can see what mountain biking is all about by seeing the races. It starts at noon.

Mr. Andrews asked if it would be acceptable to mountain bikers, if the rule said "mountain bicycles can only be used on recognizable passageways such as oil and gas well roads, public roads, logging roads, etc."

Mr. Long stressed that they wanted the rule to say "mountain bicycles may be used, except where they are prohibited by posted sign."

Mr. Andrews then asked, if the rule read "mountain and trail bicycles may be operated in state recreational areas, except on those trails where their use is prohibited," you have no problem? We may want to add that they may be operated only on recognizable trails, passageways and roads. The response was that would solve the problem.

Mr. Slack suggested that some new trails be constructed around fragile areas to protect them. He asked that all concerned work together to solve the problem.

Following these formal presentations, questions and responses, a brief informal discussion period followed.

Division of Commerce personnel present stated it must control mountain bicycling in the state recreational areas, for it had no control now and there were problems that must be addressed and corrected; therefore, a final rule would be forthcoming, which would be a modification of the rule considered during the hearing.

Attached herewith as part of this public comment record are the following letters, petition and postcard received by the Division of Commerce pertaining to the rule on mountain bicycling:

1. Letter dated August 1, 1989, from Fred A. Soltow, Jr., Managing Director, Resort Operations, Black Bear Woods Resort.
2. Letter dated July 29, 1989, from The Reverend John A. Logan, Jr., Little Corners United Methodist Church.
3. Letter dated August 3, 1989, from Matthew P. Moriarty, Vandalia Velo, Ltd.
4. Petition, undated, on Blackwater Bikes letterhead.
5. Letter dated August 1, 1989, from Chip Chase, Manager, White Grass Ski Touring Center.
6. Letter dated July 31, 1989, from Amber Grove, Rental Manager, A & A Realty.
7. Letter dated August 3, 1989, from Carla Esque.
8. Letter date July 31, 1989, from Teresa Mathes, Owner, Terri's Front Porch.
9. Letter, undated, from Charles R. Mullins.
10. Postcard dated July 25, 1989, from John and Carol Kosticky. (Also, they commented on the rule prohibiting the feeding of wild animals in state recreational areas.)

Mr. Spears asked if there were any comments on the rule prohibiting the feeding of wild animals in state recreational areas. There were none.

There being no further oral statements or business, the public hearing was adjourned at 4:30 p.m.

SUBMITTING
WRITTEN
COMMENTS

RULE
NUMBER

SPEAKING
AGAINST

FOR

MAILING ADDRESS
and TELEPHONE NUMBER

ORGANIZATION

NAME

(Example)	(Example)	(Example)	(Example)	(Example)	(Example)	(Example)
John Doe	National Assoc. of Campers	P. O. Box 347 Star City, AZ (502) 346-0111	6000	X	3.2, 4.3	Yes
Jean Buckley	Individual re: Mountain Bikes	Rt. 2, Box 316	St. George, WV 26290	7th	2.19.1	No
Charlie Mullas	Individual re Mountain Bikes	5284 B Big Tyler Rd	Charleston, WV 25306	X	2.19.1	Yes
Jan Lexton	Pres. West Virginia Mountain Bk. Assn.	774 Weaver St	Charleston, WV 25306	10th	2.19.1	No
Matthew Mooney	Vanada Velo Bicycle Racing Club	604 Delatour Drive	Charleston, WV 25314	X	2.19.1	If permitted - will do so.
Scott Ferguson		607 Red deer dr.	Hurricane WV	X	2.19.1	
Ted Fries	The Bears' Den Rest.	Box 553	Davis, W.V. 26260	X	2.19.1 2.4.1.	
Dan Porter		1992 Callie Rd.	204-346-3453	X	2.19.1	
Katherine L. Porter		Charleston, W.V. 25314	1492 Callie Rd.	X	2.19.1	
Schwartz		1001 Virginia Ave.	Charleston, WV 25301			
Bohning						

SUBMITTING
WRITTEN
COMMENTS

RULE
NUMBER

SPEAKING
AGAINST

MAILING ADDRESS
and TELEPHONE NUMBER

ORGANIZATION

NAME

(Example)	(Example)	(Example)	(Example)	(Example)	(Example)	(Example)	(Example)
John Doe	National Assoc. of Campers	P.O. Box 347 Stat City, AZ 6000 (502) 346-0111	X		3.2, 4.3		Yes
LARRY KIMBLE	Blackwater Bikes	P.O. Box 190 DAVIS, WV. (304) 259-5288	9th	(X)	2.17.1		No
MATTHEW MARCUS	WEST VA. MOUNTAIN BIKE ASSN.	P.O. BOX 91 (304) 866-2795 DAVIS, WV. 26260	1st	(X)	2.19.1		YES
Thomas M. Harris	WVMB Whitetail Mountain Bikes	RT 10 Box 361A Morgantown WV 26705	1st	(X)	2.17.1		Yes
Bill Nottingham	Charleston Bicycle Tr.	231 HAYES AVE 396-9951 CHARLESTON, WV 25304	2nd	(X)	2.19.1		No
Dave Lambert		3114 Brighton Court 525 Huntington, WV 25765 3569	5th	(X)	2.19.1		No
Warren D. Baskin	Huntington Bicycle Convention	1023 16th Street Huntington, WV 25801	4th	(X)	2.19.1		No
Larry F. Frazier	WV M. Mountain Bike Assoc.	166 Thompson Rd CULLODEN WV 26024-6647					
Carla Esque		4707 Green Valley Rd. Huntington WV 25701		(X)	2.19.1		No
Merrily Mayne		1924 Madison Ave Huntington, WV 25704		(X)	2.19.1		No
Lorrie Sears		4303 Washington Ave SE Char. WV 25304 (925-3529)	3rd	(X)	2.19.1		No
Sharon Henderson		138 Moorland Dr. Char. WV 25304 (304) 344-5031		(X)	2.19.1		No
Dan Long	Elk River Touring Center	5141 Fork WU 26291 304 572-3771	9th	(X)	2.19.1		
Kevin Jones	MT Bike enthusiasts, Race promoter	4081b Ford St. Soc City, WV, 25309 768 (304) 1769	6th	(X)	2.19.1		

HELLO, MY NAME IS MATTHEW MARCUS. I
AM THE LAND ACCESS CO-ORDINATOR FOR
THE WEST VIRGINIA MOUNTAINBIKE ASSOCIATION,
THE MANAGER OF BLACKWATER BIKES BICYCLE
SHOP IN DAVIS, WEST VIRGINIA AND I'M AN
AVID MOUNTAINBIKE ENTHUSIAST.

THE WEST VIRGINIA MOUNTAINBIKE ASSN.
WAS FORMED THIS SPRING AND IS ALREADY

150 MEMBERS STRONG. OUR ORGANIZATION
FULFILLS THE NEED TO REPRESENT AND PROTECT
THE RIGHTS OF MOUNTAINBIKERS WHO LIVE
IN WEST VIRGINIA AND THOSE WHO COME HERE
TO RIDE.

OUR MAJOR CONCERN IS LAND ACCESS.
TO ENABLE US TO HOLD OUR EVENTS ON
PUBLIC AND PRIVATE LANDS WE HAVE OBTAINED
A LIABILITY INSURANCE POLICY UNDERWRITTEN BY

THE STATE OF WEST VIRGINIA. WE ALSO
WISH TO PRESERVE AND EXPAND LAND ACCESS
FOR CASUAL RECREATIONAL USE.

OUR NEXT DUTY IS TO SANCTION EVENTS.

THIS YEAR ~~THE~~ MOUNTAIN STATE HOSTS
THE LARGEST NUMBER OF RACES AND OBSERVED
TRIALS EVENTS EVER HELD ANYWHERE THIS
SIDE OF CALIFORNIA. WE PROVIDE A MODEL
FOR RUNNING EVENTS WITH RULES FOR COMPETITION,
GUIDELINES FOR PROMOTERS AND A POINT
SYSTEM AND AWARDS BANQUET FOR PARTICIPANTS.

I HAVE BEEN THE MANAGER OF BLACK-
WATER BIKES BICYCLE SHOP IN DAVIS SINCE
APRIL, 1988. ~~RECENTLY~~ IN ADDITION TO BIKE
RENTALS, SALES AND SERVICE, THE SHOP SERVES
AS A DESTINATION POINT FOR CYCLING EN-
THUSIASTS IN THE ENTIRE MID-ATLANTIC AREA (2)

AND BEYOND. I HAVE SEEN AN INCREDIBLE
GROWTH IN THE SHOP AND INTEREST IN THE
SPORT SINCE MY ARRIVAL. NORMALLY A
BICYCLE STORE WHICH EMPLOYS TWO
PEOPLE FULL-TIME COULD NOT EXIST IN A
TOWN OF ONLY EIGHT-HUNDRED. THIS REFLECTS
THE FACT THAT PEOPLE IN RURAL AREAS AND
TOURISTS HAVE ENTHUSIASTICALLY TAKEN TO
MOUNTAINBIKING AS A HOBBY AND A WAY TO
"GET AWAY FROM IT ALL". [TWELVE MILLION
~~THIRTY-FOUR MILLION~~ BICYCLES WERE SOLD LAST YEAR, ^{MORE THAN} HALF
~~THIRTY-FOUR MILLION~~ HAVE BEEN SOLD IN THE LAST YEAR
OF WHICH WERE MOUNTAINBIKES.
~~AND LAST YEAR TWELVE MILLION~~
~~WERE SOLD IN THE LAST YEAR~~]

I WOULD DESCRIBE THE TYPICAL
MOUNTAINBIKER AS A VERY RESPONSIBLE AND
ENVIRONMENTALLY AWARE INDIVIDUAL WHO
WOULD BE WILLING TO WORK TO EDUCATE

THE PUBLIC AND OTHER CYCLISTS ABOUT MOUNTAINBIKING AND WHO WOULD BE PLEASED TO SPEND TIME VOLUNTEERING FOR TRAIL MAINTENANCE. THESE INDIVIDUALS ARE FREQUENTLY ACTIVE IN OTHER RECREATIONAL PURSUITS SUCH AS ^{HIKING,} SKIING, WHITEWATER, SPELUNKING AND ROCK CLIMBING.

THE REASON I AM HERE TODAY IS BECAUSE I FEAR THE NEGATIVE IMPACT THAT THE PROPOSED RULES PROHIBITING MOUNTAINBIKING ON STATE LANDS WILL HAVE.

FIRST, I BELIEVE MOST TOURISTS WILL BE DISCOURAGED BY AN ALL OUT BAN.

MOUNTAINBIKING IN THE MOUNTAIN STATE

COULD BE ALMOST HEAVEN IF WEST VIRGINIA

DOESN'T FALL BEHIND OTHER STATES WITH

MORE PROGRESSIVE LAWS AND MORE MODERN

LAND MANAGEMENT PROGRAMS.

SECOND, THE REGULATIONS COULD
UNKNOWINGLY TAKE AWAY TRAILS ALREADY
IN USE BY CYCLISTS WHO ARE UNAWARE OF THESE
REGULATIONS

THIRD, MOUNTAINBIKERS IN MANY
CASES COULD BE DENIED ACCESS THROUGH
STATE LANDS INTO OTHER PUBLIC AND
PRIVATE LANDS OPEN TO THEM.

BUT WHAT REALLY BOTHERS ME PERSONALLY
IS THAT IT DEFINES MOUNTAINBIKERS AS
"OUTLAWS" BY IMPLICITLY SUGGESTING
THAT THERE IS SOMETHING WRONG WITH US
AND OUR HUMAN-POWERED VEHICLES. THE
WAY THE RULE IS WORDED IT SEEMS AS IF
WE ARE GUILTY UNTIL PROVEN INNOCENT.
THE WAY IN WHICH THE REGULATION WAS
PASSED ON A TEMPORARY BASIS AND THEN

AS FAR AS I KNOW, NEVER ENFORCED
ANYWHERE, UNWITTINGLY MADE US ALL
INTO CRIMINALS.

THIS WILL SET A PRECEDENT IN THE
STATE AND SOON OTHER LANDOWNERS WILL
THINK SOMETHING IS WRONG WITH MOUNTAIN-
BIKING AND CLOSE THEIR DOORS TO US.

THE COST OF POSTING SIGNS ON ALL
STATE LANDS WOULD BE ENORMOUS, NOT TO
MENTION THE COST OF ENFORCEMENT. THEN
THERE WOULD BE THE APPEAL PROCESS TO
REOPEN TRAILS AND THE NEED TO POST
TRAILS THAT WERE DESIGNATED AS BIKE
TRAILS. IN ADDITION, HUNTERS^{F FISHermen} WHO USE
MOUNTAINBIKES COULD NOT USE THE PUBLIC
HUNTING^{F FISHING} AREAS.

~~I~~ I BELIEVE THAT THE CONFLICT OF

INTEREST WITHIN THE DEPARTMENT OF
COMMERCE MUST BE RESOLVED. ON THE
ONE HAND YOU HAVE A SYSTEM WHICH IS
PROMOTING OUR ONLY INFINITE RESOURCE -
TOURISM. WE HAVE HAD EXCELLENT COVERAGE
IN MAJOR NEWSPAPERS ABOUT MOUNTAINBIKING
THANKS TO THE COMMERCE DEPARTMENT. WE
ALSO ~~BEFORE~~ ^{HAVE} OUR INSURANCE ~~PAID FOR~~ ^{UNDERWRITTEN}
BY THE STATE AND HAVE RACES ~~IN~~ STATE PARKS
AND STATE FORESTS. ON THE OTHER HAND
YOU HAVE ADMINISTRATORS WHO ARE CONCERNED
ABOUT THE SAFETY AND WELFARE OF THE
PUBLIC AND THE LIABILITY OF THE STATE.
I BELIEVE WE CAN BECOME THE NUMBER
ONE MOUNTAINBIKE STATE WHILE MAINTAINING
A SAFE AND HEALTHY PUBLIC LANDS POLICY
THROUGH COOPERATION AND EDUCATION.

FIRST, I BELIEVE THAT THE WORDING OF THE REGULATION SHOULD MORE POSITIVELY READ AS ^{TO} PERMIT THE OPERATION OF MOUNTAIN AND TRAIL BICYCLES IN STATE PARKS, FORESTS AND PUBLIC HUNTING AND FISHING AREAS EXCEPT IN ~~RESTRICTED~~ AREAS WHERE THEY ARE PROHIBITED." CERTAINLY THE MAJORITY OF THE TRAILS WOULD NOT BE AFFECTED AND WE COULD FOCUS ON POSTING THOSE TRAILS NOT SUITED FOR BIKING.

WE SHOULD LOCATE SPECIFIC TROUBLE SPOTS. OBVIOUSLY SOME AREAS ARE TOO ENVIRONMENTALLY SENSITIVE TO PERMIT CYCLING. OTHER AREAS MAY PRESENT A PROBLEM WITH USER CONFLICTS. THESE AREAS SHOULD BE REGULATED BY THE LOCAL MANAGEMENT OFFICIALS

WHO BEST KNOW THE GEOGRAPHY AND
TYPES AND NUMBER OF TRAIL USERS.

AN IDEAL SOLUTION, WHICH WOULD
PROMOTE MULTIPLE USE AND TAKE PRESSURE
OFF OF POPULAR AND/OR SENSITIVE AREAS,
WOULD BE TO OPEN NEW OR EXISTING
TRAILS AS MOUNTAINBIKE TRAILS. NEW
TRAILS COULD BE BUILT OR OLD TRAILS
UPGRADED USING THE HELP OF MOUNTAINBIKE
CLUBS AND ORGANIZATIONS. THIS WOULD
ATTRACT A LARGER AND MORE DIVERSE
GROUP TO STATE LANDS AND THESE TRAILS
COULD DOUBLE AS CROSS-COUNTRY SKI
TRAILS IN THE WINTER.

~~USE OR TO MAKE~~ WE NEED MORE TIME
TO STUDY THIS PROBLEM. SURVEYS OF
TOURISTS AND TRAIL USERS SHOULD BE

DONE IN ADDITION TO STUDIES ON THE
IMPACT OF USE ON THE TRAILS THEMSELVES.

~~ANOTHER~~ SAD FACT IS THAT NONE OF
THE MOUNTAINBIKERS I KNOW WERE AWARE
OF THESE PROPOSED RULES UNTIL ONE
WEEK AGO. AS AN ORGANIZATION SET UP
TO REPRESENT MOUNTAINBIKERS WHO
RIDE IN THIS STATE I FEEL WE SHOULD
HAVE BEEN CONTACTED ON THIS MATTER
LONG AGO INSTEAD OF READING ABOUT IT
IN THE PAPER. ALL OF THE TESTIMONY WE
HAVE TODAY WAS GATHERED IN A ~~VERY~~ RUSH.
WE DIDN'T HAVE ADEQUATE TIME TO PREPARE
AND I PROPOSE WE EXTEND THE DEADLINE
FOR WRITTEN COMMENTS ~~UNTIL THE END OF~~
~~THE YEAR~~ AND POSSIBLY HAVE AN ADDITIONAL
HEARING IN THE NORTHERN PART OF THE

STATE WHERE MUCH OF THE MOUNTAINBIKING
ACTIVITY IS HAPPENING. IF NECESSARY.

IN THE LONG RUN I WOULD LIKE TO
SEE THE STATE DEVELOP SOME KIND
OF PROGRAM SO THAT EVERYONE COULD
BE BETTER EDUCATED ON THIS SUBJECT.

FINALLY, I BELIEVE ALL OF THE MOUNTAIN-
BIKERS HERE ARE WONDERING WHY THESE
REGULATIONS WERE PROPOSED IN THE FIRST
PLACE. WE WOULD LIKE TO SEE EVIDENCE
AND HAVE THE CHANCE TO ANALYZE IT.

WE WISH TO BE INFORMED OF ANY AND
ALL NEW DEVELOPMENTS WHICH OCCUR IN
REGARDS TO THIS SUBJECT. I WOULD
LIKE TO THANK YOU FOR LISTENING TO
MY TESTIMONY AND I HOPE YOU WILL
CONSIDER IT IN GOOD FAITH. THANK YOU.



BLACK BEAR WOODS RESORT

Rt. 1, Box 55, Canaan Valley, Davis, West Virginia 26260

Telephone 1-800-553-BEAR 1-304-866-4391

August 1, 1989

Donald R. Andrews
Chief of Special Projects
W.Va. Department of Commerce
Building 6 - B 451
Capitol Complex
Charleston, WV 25305

Dear Mr. Andrews:

As Managing Director of Resort Operations for Black Bear Woods Resort in Canaan Valley, I would like to formally oppose the proposed rule changes prohibiting the riding of mountain bikes in state parks, forests and public hunting and fishing areas. Our resort business depends on many aspects of recreation and mountain bike riding is one of the fastest growing recreational activities in the country. Our resort attracts many people who like to enjoy the environment by either hiking, biking, fishing and hunting. Cross-country skiing is another activity which attracts many people to not only our resort, but the whole state. Many of the cross-country ski trails make perfect mountain bike trails.

Tourism is the backbone of Tucker County especially Canaan Valley. If legislation were passed to distract visitors from utilizing our natural assets, I feel it would have a tremendous economic impact, not only in Canaan Valley and Tucker County, but throughout the whole state. I agree that in some places and along some trails mountain bikes should be discouraged or prohibited, however, these, I would think, would be less numerous and easier to control than a blanket ban throughout the state.

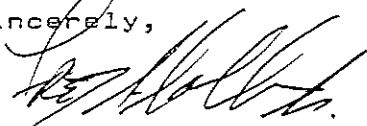
I hope that before any legislation is voted on, additional background information should be gathered, concentrating on the direct effect such a ban would have on the tourism industry. I believe that mountain bike riding is an asset from which the state can prosper, whether it be in direct dollars from sales taxes and hotel and motel taxes, to indirect dollars from new business, greater visitor traffic and increased dollar spending from our visitors.

LODGE • POOL • TENNIS • X-COUNTRY SKIING

Donald R. Andrews
Chief of Special Projects
August 1, 1989
Page -2-

Selfishly speaking, I ride mountain bikes and love doing so. Our resort advertises mountain bike riding and many of our homeowners and renters are mountain bike enthusiasts. To discourage this within our state would do the states growing tourism industry a direct injustice.

Sincerely,



Fred A. Soltow, Jr.
Managing Director
Resort Operations

LITTLES CORNERS UNITED METHODIST ~~CHARGE~~
Rev. John A. Logan, Jr. CHURCH
RD# 1 Box 580
Saegertown, PA 16433

July 29, 1989

Mr. Donald R. Andrews
W. VA. Dept. of Commerce
Parks & Recreation Building 6
Room B451
Capitol Complex
Charleston, W. VA. 25305

Dear Mr. Andrews,

I am writing as a concerned recreational bicyclist regarding the proposed policy of limiting trail access to off-road bicycles in State Park Recreational areas.

As a United Methodist pastor I am very involved in our Western Pennsylvania Annual Conference's summer camping program. This July I ran a six day "Mountain-Bike Camp" for senior high school youths which was based in Blackwater Falls State Park. Granted, most of our off-road riding was done in the Monongahela National Forest, however we did use State land to reach these areas. I would be very disappointed, to say the least, to find that this policy would limit the accessibility to National Forest areas.

I find it hard to believe that in a time of gross underemployment and unemployment you would be implementing policies that would undermine economic growth through the tourist industry. Blackwater Falls and the Canaan Valley areas offer great possibilities both for economic stimulation and recreational use. I believe that in limiting access you may force a viable users-group to seek other areas in which to enjoy their sport, as well as spend their money.

I am planning on leading this "Camp" again next year and Blackwater Falls would be my first consideration. However, if trail access is a problem then I would strongly consider staying in Pennsylvania.

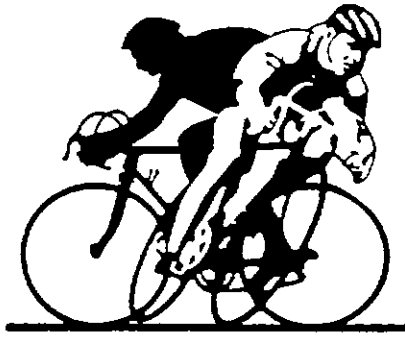
Understandably, there is confusion and concern as to the impact of off-road bicycles both on trail traffic and the trails themselves. Equestrians and hikers may voice complaints of being "terrorized" by bicyclists and no doubt it has happened. But ours is too often a society which is more ready to complain than compliment (case in point, this letter). Which is to say that for every bad experience I wonder how many positive ones have occurred?

As a pastor it is my charge to teach proper use and care of the creation that God has entrusted to all of us. When teaching these youths the sport of off-road cycling I do so with respect to the environment and persons using the trails. Safety, etiquette and concern for the environment are emphasized. The solution is not to throw the baby out with the bath water, but to teach proper concern and use of our resources. Limiting use neither teaches nor enables one to appreciate the beauty and challenge of the out-of-doors.

Please consider the effect of a descision to limit trail access to off-road bicyclists.

Sincerely Yours,

Rev. John A. Logan, Jr.
Rev. John A. Logan, Jr.



Vandalia Velo, Ltd.

P.O. Box 7121
Charleston, West Virginia
25356

BICYCLE RACING CLUB

August 3, 1989

Mr. Charles R. Spears
Director
Division of Parks and Recreation
Room B-451, Building 6
1900 Kanawha Boulevard, East
Charleston, W. Va. 25305

RECEIVED

AUG 07 1989

DIVISION OF PARKS

Dear Mr. Spears:

I am the President of the Vandalia Velo Bicycle Racing Club. I attended the oral hearing on August 2, 1989, regarding proposed Rule 2.19.1. I wanted to take this opportunity to follow up with a brief written comment.

ATB's, commonly known as mountain bicycles, are environmentally safe. They are noiseless, create no emissions, and leave minimal, if any, impact on the trail. Virtually any trail that is ecologically hardy enough to accommodate hikers can also safely accommodate mountain bicycles. The Kanawha State Forest is probably a representative example of State Forests throughout West Virginia. It is a mixture of trails that can definitely and trails that may not be able to accommodate mountain bicycle traffic. Since the vast majority of trails can safely accommodate mountain bicycles and hikers, any rule regarding these vehicles should indicate that their use is acceptable except where otherwise designated. This proposal makes much more sense, and would require far less time and money devoted to posting signs and enforcing the regulation.

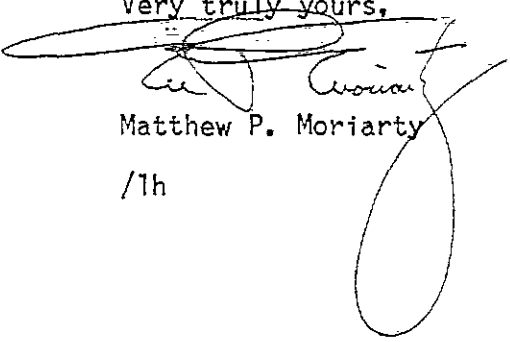
At the oral meeting you heard a great deal about the economic impact of mountain cycling in West Virginia. The members of the Vandalia Velos and I firmly believe that tourism should become an important and vital part of the West Virginia economy. I have personally witnessed the economic impact of mountain bicycle racing in West Virginia. The Elk River Touring Center is located near the Snowshoe Ski Resort. At a weekend full of races and riding demonstrations in early July, approximately 200 participants, who may not have otherwise come to this State, contributed to the State's economy by staying in hotels, paying camping fees, patronizing restaurants, refueling their automobiles for the trip home and patronizing gift shops and food marts.

Since the ski season in West Virginia is relatively short, our sport gives people an additional reason to come to West Virginia in the Spring, Summer and Fall.

State Forests and the trails within them are designed to get people outdoors, to enjoy scenic beauty and to exercise. Mountain bicyclists enjoy the beauty and get exercise in a noiseless and environmentally safe manner. I expect that you will find that mountain bicyclists, on the whole, are an environmentally conscious group who support environmental causes and organizations. The people who spoke at that oral hearing were intelligent, health conscious individuals who do not want to see a curtailment of their sport by baseless and overbroad regulations.

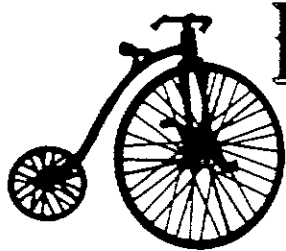
One of the best ways for your department to study this problem is to personally hit the trail. I, and the members of my Club, offer you the opportunity to borrow one of our bicycles and to ride with us. We are anxious to see the study upon which you based your conclusion that mountain bicycling causes severe and irreparable trail damage. Our offer gives you the opportunity to question the study, and to have some good healthy fun in the process. Please call me at my office (346-0901) if you have any questions or need any further information. Thank you very much for your patience and consideration.

Very truly yours,



Matthew P. Moriarty

/lh



BLACKWATER BIKES

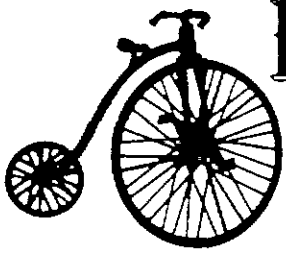
The Mountain Bike Outpost

P.O. BOX 190, DAVIS, WV 26260

304-259-5286

I feel that the proposed legislation prohibiting mountainbike riding on state property will have a negative impact on our area. Mountainbiking presents a great opportunity to increase tourism and offer affordable family-oriented recreation to everyone. Please take a more positive outlook and review the wording of the regulations. I feel that the majority of the trails would not be affected and the law should focus on posting those trails not suited for biking.

Name	Occupation	Address	Phone
Kevin Mathias	manager	70. Box 652	259-5424
Ladd Jasper, Jr	owner - TERRI'S #	DAVIS, WV	
Donald L. Stetson	owner - DAVIS INN	26260	
Bill Jasper	Restaurant, motel, & Lounge	P.O. Box 606	259-5142
Dickie Hedrick	manager	Davis, W. VA.	
Patty Brown	motel	PO BOX 609	259-5536
Dean Wadsworth	Engineer	DAVIS, WVA	
Daniel A. Kelly	Railroader, EXXON STA.	P.O. Box 664	
Glenn Cope	Sales Clerk VIDEO STORE	Davis WVA -	259-5142
Patricia Elliott	DAVIS PLAZA	Davis WV	299 5816
James Modestini	OWNER DAIRY BARN	DAVIS, WV.	
Paul K. Hinkle	Manager Rusty Pete	Davis, WV	
Randy Colombo	CAMPGROUND	Davis WV	
Linda Cudal	Manager, Shop & Saw		
	GROCERY		
	Office Manager	Davis, WV	259-5877
	EAST WEST PRINTING		
	Manager	DAVIS WV	259-5119
	BRIGHT MORNING B.B.		
	American video	Canaan Valley	866-4172
	Deerfield Village Restaurant	Canaan Valley	866-4559
	MANAGER		
	Village Inn motel	DAVIS-WVA	866-4166
	manager		



BLACKWATER BIKES

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CONT. FROM PREVIOUS PAGE

David B. Fitch

EMPLOYEE - GOLDEN ANCHOR

CANAAN VALLEY

Julia Covatich

MANAGER/OWNER
GOLDEN ANCHOR RESTAURANT

SEE-CRAB

Kevin Nissen

EMPLOYEE - GOLDEN ANCHOR



NORDIC ADVENTURE IN THE POTOMAC HIGHLAND

Mr Don Andrews
WV Dept. of Commerce
Chas. WV 25305

8/1/89

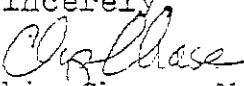
Dear Mr. Andrews,

It has come to our attention your department is to be considering the banning of off road pedal bicycles in all State Park lands throughout the state. We feel this broad and sweeping rule will have negative effects on our State's growing tourism industry.

Before reaching a final decision we suggest an in depth study be made to weigh all the pros and cons in this matter. As a recreational business in Tucker County, we have seen greater amounts of interest and participation in off road cycling through the years. We support their use in designated areas in order to further broaden a recreational base for West Virginia.

We will be keeping abreast of developments in the near future, and continue to supply our feedback in matters that greatly effect tourism in the Mountain State. We appreciate your consideration and look forward to your arrival of a fair and just set of regulations concerning bicycle use within our State Parks.

Sincerely,


Chip Chase, Manager

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Davis, West Virginia 26260 Fax: (304) 866-4841
Toll Free: 1 (800) 633-6682

July 31, 1989

Blackwater Bikes
P O Box 190
Davis, WV 26260
Attn: Matt

Dear Matt:

It has recently been brought to my attention that there seems to now be restrictions on visitors to our beautiful area as to where they may ride mountain bikes that are made available for rental at your establishment in Davis.

As I am sure you all are aware, tourists enjoy this area because of the abundance of state park, national forest, and other various remote areas they can explore while visiting the Canaan Valley perimeters. Also, most often we attract families of many ages and natures. Often folks wish to explore with their cameras, trail maps, and back pack lunches to places where a motor vehicle becomes prohibited and out of character.

I sincerely hope that the recent problem with mountain bike limitations can be resolved with a positive outcome. The mountain bike industry has added enjoyment and convenience that we would find unreasonable to limit in areas so perfect for the peoples' needs who rent them.

Sincerely,

A & A REALTY/BETTER HOMES & GARDENS



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Rental Manager

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□ 232 E. Alder St.
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— Route 40
Main Street
Grantsville, MD 21536
Telephone (301) 835-5058

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