



NOTICE OF AGENCY APPROVAL

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SECRET

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

The attached legislative rules constitute the official rules approved by the West Virginia Department of Commerce on the 18th day of February, 1987 and filed pursuant to law with the West Virginia Secretary of State and the Legislative Rule-Making Review Committee.

A handwritten signature in dark ink, appearing to read "R.E. Trocin", written over a horizontal line.

Robert E. Trocin
Commissioner

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Rules Governing Public Use of West Virginia State Parks, State Forests, and Fishing Areas Under the West Virginia Department of Commerce

Type of Rule: X Legislative Interpretive Procedural

Agency WV Department of Commerce Address 2101 Washington Street, East Charleston, West Virginia 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 subject Legislative Rules will not cause or require an increase or decrease in the state budget or impact on revenues or expenditures.

3. Objectives of these rules:

To provide for the effective management of the 50 state recreational areas under the jurisdiction and management of the West Virginia Department of Commerce; to protect the peace, health, safety and welfare of the over 9,000,000 people who visit them yearly and to assure them of a safe, beneficial and enjoyable experience; and to protect state property.

4. Explanation of Overall Economic Impact of Proposed Rule.

- A. Economic Impact on State Government.
Development and expansion of tourism is one of the State's major economic enterprises. State recreational areas play an important role in this program. Effective management of those areas is essential to increase visitation and thereby increase income from those areas. The rules are required for such management.
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

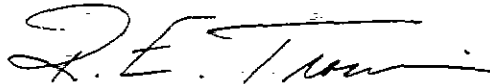
N/A

- C. Economic Impact on Citizens/Public at Large.

N/A

Date: February 18, 1987

Signature of Agency Head or Authorized Representative



Robert E. Trocin
Commissioner

WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF COMMERCE
CHAPTER 5B-1
SERIES 1

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

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WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF COMMERCE
CHAPTER 5B-1
SERIES 1

FILED
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SECRETARY OF STATE

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

Section 1. General

1.1 Scope - These legislative rules govern the public use of West Virginia state parks, state forests, and state hunting and fishing areas under the jurisdiction and management of the West Virginia Department of Commerce. They shall not be construed to include 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 -

Section 2. General Rules Governing Public Use of State Parks, State Forests, and State 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 hunting and fishing area.

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 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 and on the Greenbrier River Trail; however, legally authorized hunting is permitted in state forests, and state hunting and fishing areas.

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 Camping in any manner is prohibited in state parks, state forests, and state hunting and fishing areas, except at numbered sites in areas designated for camping. The length of stay in any camping area shall not exceed fourteen 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. In no case may occupancy of a campsite be extended by the camper registering under a different name.

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

2.8 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.

2.9 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 hunting and fishing area.

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

2.11 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 hunting and fishing area.

2.12 Only registered lodge, cabin, and camping guests, 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.

2.13 Dogs and cats are the only pets permitted in state parks, state forests, and state 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

Dept. of Commerce
Leg. Rule, 5B-1
Series 1, Sec. 2

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.

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

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

1. When the area is open for hunting (hunting is prohibited in state parks and on the Greenbrier River Trail) 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.

2.16 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.

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

2.18 Fishing and boating are permitted in state parks, state forests, and state 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.

2.19 The speed limit is thirty (30) miles per hour in state parks, state forests, and state 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.

2.20 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.

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

2.22 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 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.

2.23 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.

2.24 Any person may be evicted from a state park, state forest, or state 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.

Section 3. Rules Governing Public Use of Campgrounds in State Parks, State Forests, and State 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 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 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 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 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 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 or two 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.

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

4.1 Swimming is prohibited in state parks, state forests, and state 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 birthday shall be accompanied at all times they are in the swimming area by a responsible person at least twelve years of age. Persons who have reached their twelfth 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 the water unless he is dressed in recognized swimming apparel. No street wear, cutoffs or similar apparel may be worn in the water. 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 birthday and have purchased a children's ticket. Parents and guardians who

Dept. of Commerce
Leg. Rule, 5B-1
Series 1, Sec. 4

enter the swimming area and are not dressed in recognized swimming apparel are prohibited from entering the 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 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.

Section 5. Enforcement of Rules Governing Public Use of State Parks, State Forests, and State Hunting and Fishing Areas Under the West Virginia Department of Commerce and Penalties

5.1 Violation of Rules Construed as Exercise of Law Enforcement Responsibilities Under Article 7, Chapter 20 of West Virginia Code.

In view of the retention of law enforcement authority as set forth in Subdivision (c), Section 13, Article 1, Chapter 5B of the Code of West Virginia, 1931, as amended, and the status of state park, state forest, and state hunting and fishing area management personnel being designated as Special Conservation Officers, violations of the rules set forth in this Series 1 shall be construed as an exercise of law enforcement responsibilities under the purview of Article 7, Chapter 20 of the said code.

Dept. of Commerce
Leg. Rule, 5B-1
Series 1, Sec. 5

5.2 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 hunting and fishing areas to enforce the rules set forth in this Series 1.

5.3 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.

W Department
of
Commerce
State of West Virginia



ARCH A. MOORE, JR.
GOVERNOR

ROBERT E. TROCIN
COMMISSIONER

2101 Washington Street, East
Charleston, West Virginia 25305
Telephone (304) 348-2200

February 18, 1987

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1987 FEB 18 PM 4:01
OFFICE OF THE SECRETARY OF STATE

MEMORANDUM TO: West Virginia Secretary of State

FROM: Robert E. Trocin, Commissioner
West Virginia Department of Commerce

SUBJECT: Legislative Rules and Amended Emergency Rules
West Virginia Department of Commerce

Attached are the following for filing by your office:

1. West Virginia Legislative Rules approved by the department.
2. Amended Emergency Rules promulgated by me as amended effective as of February 18, 1987.
3. Fiscal Note.
4. Notice of Agency Approval of the Legislative Rules.
5. Notice of Amendment of Emergency Rules.
6. Minutes of Public Hearing held on the rules, including list of persons who appeared at hearing, and summary of comments received.
7. Report of amendments made in the Legislative Rules and the Emergency Rules and the reasons for the amendments.


Robert E. Trocin
Commissioner

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OFFICE OF THE
SECRETARY OF STATE

ROBERT E. TROCIN
COMMISSIONER

AMENDMENT OF LEGISLATIVE RULES AND EMERGENCY RULES

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

West Virginia Legislative Rules, Department of Commerce, Chapter 5B-1, Series 1.

Attached are the original and one copy of amended West Virginia Legislative Rules, and the original and one copy of amended Emergency Rules, Department of Commerce, Chapter 5B-1, Series 1, which were filed with the West Virginia Secretary of State on December 22, 1986. The Emergency Rules were promulgated by me effective as of December 29, 1986.

Both the Legislative Rules and the Emergency Rules have been amended in the same manner as the result of the public hearing the Department of Commerce conducted on January 21, 1987, and oral and written comments received at it, and other written comments and information received.

The following is a summary of the amendments and the reasons for them:

1. The rules were amended to make it clear that they apply only to state parks, state forests, and state hunting and fishing areas, and facilities within them, which are under the jurisdiction and management of the West Virginia Department of Commerce, and that they do not apply to any areas or facilities under the jurisdiction and management of the Department of Agriculture, or the Department of Natural Resources.

Under the Economic Development Act of 1985, Senate Bill No. 196, responsibility for forest management was assigned to the Department of Agriculture, while responsibility for managing wildlife resources and most state hunting and fishing areas remained with the Department of Natural Resources.

To clarify those matters the title, the headings of Sections 2, 3, 4 and 5, Section 1.1, and the index were amended.

2. Section 2.8 was rewritten in its entirety to make it permissive rather than prohibitive and to require participants in certain types of recreational activities to register with the area superintendent before engaging in them. It was further amended to provide that persons engaging in those activities assume full responsibility and liability for any risk or injury related to them.

3. Section 2.20 was amended to change "motor driven vehicle(s)" to "motor vehicle" to conform to the definition contained in Section 3, Article 1, Chapter 17C, West Virginia Code, for uniformity and consistency with the Traffic Regulations and Laws of the Road.

4. Section 2.22 was amended to change the total prohibition of alcoholic beverages in Bluestone State Park to a prohibition of them in all boat launch ramp parking areas only.

5. Section 3.9 was amended to allow the use of hay and straw in tents, screened rooms and shelters in conjunction with special events or programs.



Robert E. Trocin
Commissioner

MINUTES OF PUBLIC HEARING ON LEGISLATIVE RULES AND
EMERGENCY RULES

RULE TITLE: Rules Governing Public Use of West Virginia State
Parks, State Forests, and State Hunting and Fishing Areas

West Virginia Legislative Rules, Department of
Commerce, Chapter 5B-1, Series 1

The above subject rules were filed with the West Virginia Secretary of State as Legislative Rules on December 22, 1986, and filed on the same date as Emergency Rules promulgated by the Commissioner of the West Virginia Department of Commerce effective as of December 29, 1986.

A public hearing was held on the rules at 3:00 P.M., on Wednesday, January 21, 1987, in Conference Room B, Building 7, State Capitol Complex, 1900 Washington Street, East, Charleston, West Virginia.

The following people were present at the hearing:

Robert E. Trocin, Commissioner, Department of Commerce

Brenda Nichols Harper, Deputy Commissioner, Department of Commerce

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

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

Dorothy E. Garred, Secretary, Division of Parks and Recreation, Department of Commerce

Robert P. Addis, Director, National Speleological Society

John C. Hempel, Coordinator, East Region, National Cave Rescue Commission

Venida McDaniel, National Speleological Society

William R. Brose, Explorers Club of Pittsburgh

Richard Fairtrace, Explorers Club of Pittsburgh

Bruce R. L. Cox, Conservation and Access Committee,
American Alpine Club

Charles W. MacQueen, representing himself

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Dick Waybright, West Virginia Forestry Association

Ronald Shipley, Attorney-at-Law, Regulatory Affairs,
Department of Natural Resources

Nancy Barker, member of National Speleological Society;
Instructor for National Cave Rescue Commission

Robert E. Liebman, Greenbrier Grotto, National
Speleological Society

Gary T. Simmons, American Youth Hostels

E. Frank Kirk, Kanawha Ambulance Authority

Nancy Chambers, Sierra Club

James F. Brown IV, Potomac Appalachian Trail Club

Rex Elkins, Charleston Cave Club

Robert Frostick, Virginia Region of National Speleological
Society.

Ralph P. Glover, Deputy State Forester, Division of
Forestry, Department of Agriculture

Richard O. Hartman, Director, Division of Administrative
Law, Office of Secretary of State

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

The public hearing was chaired and called to order by
Deputy Commissioner Harper. She introduced Commissioner
Trocin, Director Spears, Mr. Andrews and Mrs. Garred and
announced to the attendees that they were ready to receive oral
and/or written comments.

Fourteen of those in attendance made oral statements.
They were as follows: Mr. Addis, Mr. Hempel, Ms. McDaniel, Mr.
Brose, Mr. Fairtrace, Mr. Cox, Mr. MacQueen, Mr. Waybright, Mr.
Liebman, Mr. Simmons, Mr. Brown, Mr. Kirk, Ms. Chambers and Mr.
Hartman. In addition, Mr. Addis, Mr. Brose, Mr. Cox, Mr.
MacQueen, Mr. Liebman and Mr. Simmons submitted written
comments, which are attached herewith as part of this record.

A summary of the oral statements follows:

Mr. Addis said he was the Director of the National
Speleological Society and representing it and its members in

that capacity. He said it was a nonprofit organization. It was objecting to Section 2.8 dealing with high risk recreational activities. He said that the restrictions on such activities infringed on personal rights and that the list of high risk activities was arbitrary and capricious. If the purpose of the section was to provide for public safety, he said hunting, skiing and other such recreational activities should be restricted, too. He believed the rule was inflammatory because it was negative. It conveyed a negative message to private landowners, to insurance companies and for tourism. He emphasized that the National Speleological Society was not interested in calling attention to caves. He expressed concern that the negativism of the rule might spread to other state agencies and the private sector and be applied to other activities. He emphasized that the rule would result in the loss of money from tourist and recreational activities. His first recommendation was that Section 2.8 be dropped in its entirety, but if that was not done, he recommended at least dropping it from the emergency rules, because there was no emergency. He said the notice to the public of the rules was too short. He thought the rule needed further study and his recommendation would allow it.

Mr. Hempel said he was appearing on behalf of the National Cave Rescue Commission. He agreed with all of Mr. Addis' comments and observations. He said Section 2.8 discriminated against certain sports, but skiing, a high risk activity, was ignored. He said driving to and from skiing areas was very risky - more so than many of the high risk activities listed in the section. He said he was an authority on cave and mountain rescue. In response to a question on how safe caving is, he said in 1985 there were nine cave rescues and one fatality. The majority of the rescues are of children and people with twisted ankles. There were four accidents and one fatality in West Virginia. The fatality was the first in seven years. It was caused by a rock fall. It was an accident. The man who was killed was well trained. There was one rock climbing accident at Coopers Rock State Forest. Mr. Hempel said there were no statistics to justify including spelunking as a high risk recreational activity.

Mr. Hempel said that he was a member of Allegheny Mountain Rescue and an emergency medical services expert. Admittedly, he said people get hurt at Coopers Rock, but most were drunk, on dope or untrained. They were not real climbers or trained. He stated it was outrageous to exclude use of the parks for so-called high risk recreational activities by trained people. He said the majority of the rescues were for lost or elderly people; therefore, the high risk category should include people who were over seventy years of age who walk. He emphasized

that recreational activities should not be restricted, curtailed or prohibited, which would result in the loss of money from tourism when tourism is all we have.

Ms. McDaniel spoke on behalf of the National Speleological Society. She said Section 2.8 should not contain the provision about scenic rocks, overlooks and vistas being for aesthetic benefit and therefore they should not be disfigured by high risk recreational activities. She said climbers and cavers were professionals and would not disfigure such areas.

Mr. Brose spoke on behalf of the Explorers Club of Pittsburgh. He pointed out that Lloyds of London found from a study that rock climbing and driving on the highways entailed about the same amount of risk. He stated the Federal Government is very liberal regarding high risk activities such as mountain climbing. He said there were no restrictions at Seneca Rocks and pointed out the Federal Government has much more experience with such activities than West Virginia. His point was that local authorities should not be the sole determinators of where such activities take place. He said his group and other professional organizations would like to help select good climbing areas and to develop suitable controls and rules.

Mr. Fairtrace represented the Explorers Club of Pittsburgh, too. He said the ranger at Coopers Rock told him all of the accidents there involved amateurs and tourists who were just climbing over the rocks. He believed signs to regulate climbing was a good idea saying it worked well in Ohio parks. He offered to work with the Department of Commerce to designate safe climbing areas.

Mr. Cox represented the American Alpine Club. He said that like the other speakers his organization opposed Section 2.8, because of its impact on rock climbing. He emphasized the negative impact it would have on production of money from recreation and tourism. He said climbing is increasing in the New River Gorge and the state's action will adversely impact on activities there. He pointed out that climbing had been prohibited in Coopers Rock State Forest and climbers respected the ban. But, he said there are so many other good places to climb in West Virginia that it has taken the pressure off for climbing there. It is a good sport and it is just now coming into its own. He offered to help draft suitable rules to control rock climbing in a satisfactory manner. He suggested that National Park Service rules relating to high risk activities at Yosemite, Seneca Rocks and New River Gorge National River be examined.

Mr. MacQueen spoke representing himself and as a motor home owner. He said what has been done in the State is adverse

to motor home owners. He said there is a problem in state parks because self-contained motor homes are not allowed to park in them except in designated areas. His last bad experience was at Hawks Nest State Park, where he attempted to park overnight in the lodge parking lot. He was told he could not do it. Once he rented the 250 rooms at Canaan Valley State Park for a conference of an organization of which he was a member and attempted to park his motor home in the lodge parking lot, but the ranger told him he could not. The ranger told him he had to go to the camping area. He was self-contained! His point was that he wanted self-contained recreational vehicles to be able to park in state park parking lots and not be required to go to camping areas. He opposed any provisions in the rules requiring that. He said state parks do not make motor home owners welcome and that hurts tourism.

Mr. Waybright represented the West Virginia Forestry Association. He said he could see no difference in the rules as they applied to state parks and state forests. He felt that some differences might be warranted and thought the Division of Forestry, Department of Agriculture, should have input on them.

Mr. Liebman spoke regarding emergency medical services and cavers. He said the West Virginia Cave Protection Act adequately protects caves; therefore, the part of Section 2.8 regarding environmental protection is unnecessary. He said caves should be set aside for public recreation as Kentucky has done with Carter Caves. He opposed Section 2.8 saying it was very biased. Many other high risk recreational activities are ignored, while the rule picked on others. He said Department of Commerce brochures have pictures of horseback riding and rock climbing on them and the state map has a picture of rock climbers. The National Park Service has visitors centers showing rock climbing and how to participate in it. He said climbers would like to talk to the powers in charge to have input. Teachers in the State take their students caving indicating it is condoned by the school system. He said Delegate Marion Shiflet told him tourism is West Virginia's only hope to cure its problems. He said Section 2.8 hurts tourism.

Mr. Simmons representing American Youth Hostels (AYH) summarized his letter to the Department of Commerce opposing Section 2.8. He said he understood the concessionaire at Coopers Rock State Forest was hurt by the ban on rock climbing there. He said the ban was very harmful. He said he was a backpacker and taught climbing, stressing safety. He believed the problem was untrained climbers and drinking. He mentioned a recreation area in New York on the Hudson River where climbers are charged \$2.50 per day to climb. That coupled with private donations provided the funds to pay ranger and safety

costs. He said the AYH members would be willing to help on working out suitable regulations. He stressed that he was bothered by Section 2.8 because it placed control of high risk activities in the hands of the area superintendents rather than a central authority.

Mr. Brown, an Attorney-at-Law, represented the Potomac Appalachian Trail Club. He said its purpose was to provide information and training, and to encourage climbers to get proper equipment and training. He said the club was opposed to Section 2.8. He believed the section suggested that rocks and cliffs in West Virginia were dangerous and that people will get hurt on them regardless of their training, equipment and skill. He suggested there are less restrictive alternatives such as posting warnings, for example "Climbers Responsible - You Climb At Your Own Risk."

Mr. Kirk represented the Kanawha County Ambulance Authority. He emphasized the ability of emergency medical services and their training and ability to rescue climbers. He stated trained and properly equipped climbers were no problem. They have few accidents. His main point was that Section 2.8 will prohibit emergency medical services from getting needed training in mountain rescue. The units want to keep training in recreational areas. Also, they do not want the public affected by a major change in policy. He believed the rule will decrease usage of parks resulting in the loss of income. He said his goal was to slow down the rules-making process. He asked that the rules not be pushed through without an opportunity for review and redrafting. He said that he voiced the position of Jon Dragan, Wildwater Unlimited, too.

Ms. Chambers represented the Sierra Club. She said there was an adverse psychological impact caused by the prohibition in Section 2.8. It will cause some people to be more determined to do the prohibited activities.

Mr. Hempel suggested that an advisory committee comprised of the interests represented be formed to help redraft Section 2.8. He strongly requested that the term "high risk" be deleted from the rule.

Mr. Hartman suggested redrafting the rule to require participants to register in a state recreational area before participating in a high risk activity.

There being no further oral statements or business, the public hearing was adjourned at 4:15 P.M.

1/21/87

Name	Organization	Mailing Address and Telephone Number	Speaking For	Speaking Against	Rule Number	Submitting Written Comments
(Example)	(Example)	(Example)	(Example)	(Example)	(Example)	(Example)
Joe Doe	National Assn. of Campers	P. O. Box 347, Route 1 Star City, AZ 60000 (502) 346-0111	X		3.2, 4.3	Yes
✓ Robert Addis	Director of RE National Speleological Society	19 Willowbrook Parkersburg WV (485-5348 OFFICE) 26601		X	2.8	YES by 1/23
✓ John C. Hemmel	National Cave Rescue Commission East Region Coordinator	Box 3038 Morgan Town WV		X	2.8	Yes
✓ Venida McDaniel	National Speleological Society	Rt. 9 Box 136-A Beaver, W. Va. 25813		X	2.8	YES
✓ William R. Brose	Explorers Club of Pittsburgh	4010 Windsor St Pittsburgh, PA 15217 412-521-7756 (H) 256-1222 (W)		X	2.8	yes
✓ Richard Fairtrace	Explorers Club of Pittsburgh	P.O. Box 341 Murrysville, Pa 15668		X	2.8	Yes
✓ Bruce R.L. Cox	CONSV. & ACCESS COMM. AMERICAN ALPINE CLUB	M.R.#1 BUTLER RD SPRINGDALE PA. 15744		X	2.8	YES
✓ Charles MacQueen	Self	438 Westmoreland Dr Dunbar, WV		X	camping Anita	?
✓ Dick Waybright	WV. Forestry Assn.	P.O. Box 734 Kipley, WV. 25371		X		yes.
✓ Ross Shipley	WV Dept of Natural Resources Member, NRS / Nat. Inst. NCRC NREMT. / Trained for SAR + cave Mountaineering	Rm 842, Building 3 Chas. WV. 14 Schoolhouse Lane Somersville, MS 38676 (201) 725-5439 w/long list of many exp.		X		yes by 1/23
✓ Nancy L. Barker						

1/21/87

Submitting
Written
CommentsRule
NumberSpeaking
For
AgainstMailing Address
and Telephone Number

Organization

Name

(Example)	(Example)	(Example)	(Example)	(Example)	(Example)	(Example)
Joe Doe	National Assn. of Campers	P. O. Box 347, Route 1 Star City, AZ 60000 (502) 346-0111	X		3.2, 4.3	Yes
BOB 772-50 DAY & NIGHT LEWISBURG	49 NATIONAL SPELEOLOGICAL SOCIETY, GREENBAKER GAROTTO	P.O. Box 441 LEWISBURG W.V. 24901		X	2.8	YES
Harry Simmons 412-327-8338	American Youth Hostels	4888 Christy Rd. Murrysville PA 15668		X	2.8	yes
Jan K. H. B.	345-2312	P.O. Box 292		X	2.8	yes
Nancy Chambers 645-3220	Kanawha Co. Ambulance Auth.	Charleston, W.V. 25302		X	2.8	no
James F. Brown IV	Sierra Club	400 N Lee St Leedsburg WV 24901		X	2.8	reserve right to
Rex Elkins	Potomac Appalachian Trail Club MS	1503 Coventry Lane Ches. WV 25314		X	2.8	
Robert Frostick	Ches. Cave Club	1560 B Ken. Blvd. E. Ches., WV. 25311 343-8154			2.8	YES - 5/1/87
Walter P. Stover	Virginia Region of National Speleological Society	Drawer B Stonewall Station Charleston, WV 25362				
Richard A. Hartman	Deputy State Forester Dept of Agric Bureau of Soil & Water Cons Office of Conservation & Forest	Antioch Agricultural Center Burlington IA				
		Eligible, under 1500 2000 WV 25305				

54

Parkersburg Area Grotto
19 Willowbrook Acres
Parkersburg, WV 26101

January 22, 1987

Mr. R. E. Trocin, Commissioner
Department of Commerce
Room B-451, Building 6
1900 Washington St. East
Charleston, WV 25305

Dear Mr. Trocin;

I am writing in opposition to Section 2.8 of the proposed rules governing public use of West Virginia State Parks, State Forests, and State Hunting and Fishing Areas. I have been interested in caves for 26 years, a member of The NSS for 20 years, and a Director to The NSS Board of Governors for 10 years. The NSS has over 6000 members, many of whom live in the eastern United States and enjoy visiting the caves of West Virginia. Section 2.8 opposes all of this. Although I will confine my comments to spelunking and cave exploring, most of what I say is applicable to the other "high risk" recreational activities. I have also incorporated comments from various individuals at the public hearing on Wednesday, January 21st, in my letter.

1. Infringement on human rights. Most of the activities listed in this section are legitimate outdoors sports that are recognized by various federal and state agencies throughout the country and handled in a cooperative, if not encouraging, manner. Kentucky's Carter Caves State Park is an excellent, nearby example.

2. The list is arbitrary, capricious, and inflammatory. It is arbitrary in that it states only seven (7) activities and ignores several others which could be as dangerous or more. Section 1.1 states that ... "The rules are necessary to provide for public health, safety, and welfare; to protect state property; ..." If the purpose is to protect the public and state, then why not prohibit the wide spread activities which account for most of the accidents and lawsuits directed towards the state? Hunting, fishing, skiing, boating, swimming, to name a few. Mr. Hempel of the Allegheny Mountain Rescue stated at the hearing that a majority of his rescues were elderly persons lost while hiking--shouldn't we ban this activity, too? Obviously we can't ban these "popular" recreational activities.

The list is capricious in that the area superintendent administers it as he sees fit. The list has that catch-all phrase... "including, but not limited to, ..." which leaves the list open ended for continual amendment without any review process.

The list is inflammatory in the use of the phrase (and concept) "high risk". My next points address that issue.

3. Section 2.8 is a negative message to :

a. Private landowners and their insurance companies. If the state prohibits all of these listed activities and more, what is this saying to landowners who own areas suitable for recreation and have permitted it in the past? As well, the insurance companies who insure the properties could bring pressure to curtail these activities by failing to insure the landowner. I have personally seen this happen in the state of New York.

b. Tourism. This ruling if continued would be a serious blow to the tourist industry which West Virginia has come to know and increasingly depend on for revenue. Coupled with the ripple effect as it spills over into private land use as outlined above, this would be a serious economic consideration. At the hearing you will recall that Mr. Liebman displayed several brochures that he had obtained the day before at the West Virginia Visitors Welcome Center on I-64 near White Sulphur Springs. Obviously we are proud of our state's natural beauty and we promote it to visitors. Mr. Liebman showed several pamphlets which showed such activities as, "but not limited to", horse back riding, cave exploring, and rock climbing. One of the nicest and largest booklets depicting and inviting visitors to West Virginia was prepared by The Department of Commerce and contained the name of Mr. Trocin, Ms. Harper, and Mr. Spears, three individuals at Wednesday's hearing!

c. Life insurance companies. By providing a list of "high risk" activities, conceivably this would expand their present list (which, by the way, presently does not recognize these as "high risk") and result in higher life insurance premiums.

4. The National Speleological Society objects to the placement of signs advertising the presence of caves should the area superintendent open caves under the proposed ruling. These signs would encourage heavy visitation to a few caves and create environmental problems, particularly if the visitors are not properly equipped and trained.

5. At the hearing, Frank Kirk, the Director of The Kanawha County Emergency Medical Technician group expressed serious concerns about having access to areas to properly train his rescue people. Presently they utilize many of the state parks for training, and Section 2.8 could result in drastic cuts in training which would lessen the quality of training for our EMT's. This is not a good situation.

6. Expansion of this authority. Once this rule is passed in its entirety, it could be expanded to cover several other state agencies (Department of Highway and Department of Natural Resources, to name two) and a much larger territory (Bridge Day and The New River Gorge, as examples). All of the above objections would be filed again in an upwards spiral.

Suggestions

We fail to see the emergency status nature of Section 2.8 and suggest, as did so many at the hearing, that a committee composed of both sides of the issue be formed to study this. Many individuals spent their personal

time, money, and efforts to be at the hearings and are now volunteering more to work out a solution. Please use this talent to find an answer that is fair and just.

Thank you for your consideration of my comments.

Yours truly,

Robert P. Addis

Robert P. Addis
(304) 485-8475

cc. K. Hechler

EXPLORERS CLUB OF PITTSBURGH

P.O. Box 2815
Pittsburgh, PA 15230



January 20, 1987

#6

West Virginia Department of Commerce
Room B-451, Building 6
1900 Washington Street, East
Charleston, WV 25305

Dear Sir:

I am writing on behalf of the members of the Explorers Club of Pittsburgh to comment on the proposed "Rules Governing Public Use of West Virginia State Parks, State Forests, and State Hunting and Fishing Areas." I plan to attend the hearing on the proposed rules in Charleston on January 21.

We oppose the rule in Section 2.8 which would prohibit "high risk recreational activities" such as rock-climbing and spelunking in all state parks and state forests unless specifically permitted by the local area superintendent. The Explorers Club was founded about 40 years ago and since that time we have been fortunate to enjoy outdoor activities of many kinds in West Virginia. The subject rule would undoubtedly result in greatly reduced possibilities for engaging in recreational outdoor activities, and we find it counter to the "Wild and Wonderful" image that we have of West Virginia and that the state itself promotes. The proposed rule would compromise the purpose of the state parks and state forests by impeding the practice of a number of activities engaged in by a significant fraction of the people - both state resident and non-resident alike - who now visit these areas.

We feel strongly that such activities should be permitted in West Virginia's state parks and forests - in order to maximize enjoyment of these areas - unless good reason has been established to prohibit specific activities in individual areas. We do recognize that there will be a need for selective restrictions on these activities, and we certainly support such restrictions when needed, for example, to insure the multi-use nature of an area or to protect special vistas. But the authority for placing such restrictions should not be solely in the hands of local area superintendents. Such restrictions should be formulated by consensus among local authorities, local users and interested parties, and a central coordinating official or office in the state. The coordinating official is needed to ensure a uniform and fair policy of such restrictions in the state park and state forest system. As users of West Virginia's outdoor areas, we would be pleased to provide input regarding the practice of outdoor recreational activities of all kinds to representatives of the state.

EXPLORERS CLUB OF PITTSBURGH

P.O. Box 2815
Pittsburgh, PA 15230



Further regarding the issue of cooperation, many individuals in our club and elsewhere are willing to do whatever we can to make it easier for the state of West Virginia to provide access to these activities. This would include, for example, the signing of liability waivers, conducting training and safety schools (which we already do), and the maintenance of safety and rescue teams who could be available around-the-clock. Our club members fully recognize that there is some small element of risk in engaging in the subject outdoor activities and have always had the attitude that we are solely responsible for whatever befalls us, and for our own safety as well, during these activities.

The subject prohibition would also have a negative financial effect on the state. A number of West Virginia businesses benefit directly from the practice of these activities by the production and sale of the equipment needed to conduct such activities safely. The Gendarme in Seneca Rocks and CMI in Franklin are two examples. In addition, those from outside the state purchase gasoline, food, equipment, and hotel stays when travelling to West Virginia for the enjoyment of these activities.

Finally, we believe that the short time frame for the imposition of said rules, if these rules were instituted under the emergency rule-making provision for which they are being considered, to be inadequate. Rules such as these which have an important bearing on the way West Virginia's outdoor resources, for which it is justly well-known, are enjoyed, merit greater attention and deliberation.

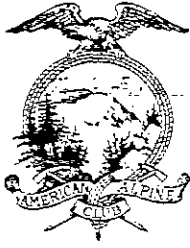
Sincerely,

Bill Brose

William R. Brose, President
Explorers Club of Pittsburgh

cc: Ray E. Ratliff, Jr.
Kaufman and Ratliff
1206 Virginia St., East
Charleston, WV 25301

Sayre Rodman
32 Crystal Drive
Oakmont, PA 15139



THE AMERICAN ALPINE CLUB

January 19, 1987

Department of Commerce
Room D451
Rules Governing Public Use of
West Virginia State Parks, State Forests
& State Hunting & Fishing Areas
1900 Washington St. East
Charleston, West Virginia 25305

Dear Sirs:

The American Alpine Club is deeply concerned about the present and future of all climbing related activities in West Virginia. Unlike many other forms of recreation, the very essence of rock climbing and mountaineering depends on the natural scene, a nonrenewable resource. West Virginia public lands both, Federal and State, are blessed with numerous climbing areas found in so few surrounding states. With today's expanding recreation industry, the climbing areas within the state can be viewed not only as aesthetic treasures but also income producers.

There was a time when the AAC would not consider the economic issues of climbing, but gone are the days when climbing was for the wealthy who brought their climbing skills home after a summer in the Alps. Very much like white water boating, climbing is big business in America and generates income in areas such as West Virginia, that are blessed with many fine natural areas.

Presently at Cooper's Rock State Forest, a ban on climbing exists. It has been in effect for over two years now. Fortunately for climbers, other areas are open and accessible, in particular White Rocks in Pennsylvania. The areas access is controlled by a private land owner who now charges a parking fee and offers access to his commercial establishment to climbers. Both groups benefit from this, as West Virginia too would benefit given a similar arrangement.

The AAC obviously wants climbing areas open and accessible for all responsible, trained and mature climbers. But we do see the future commercialization of climbing as a distinct reality. As an example, recently in France, a climbing competition event took place which drew ten thousand (10,000) spectators and was broadcasted on France's version of Wide World of Sports. The advent of such competition and commercialization here in the United States is very real. West Virginia's posture regarding climbing, of course, will be considered as the sport takes enviable steps toward similar events in our country. Any known bans on climbing would not be considered a positive message to the rest of the country.

January 19, 1987

Regarding safety, the AAC believes that any public agency should warn the public of the risk involved with climbing, such as at Seneca Rocks, and where regulations are deemed necessary, rules governing access and use, of a climbing area, should be openly and widely disseminated. There should be regular reviews of such regulations by representatives of the principal user groups prior to implementation.

With the present insurance panic across the land, activities such as climbing have been placed under new pressures emanating from fear of liability.

We believe most true climbing accidents occur from misjudgment or errors in regard to personal ability, use of equipment; and appraisal of weather and terrain. Except in rare events where equipment fails at below advertised stresses, and the responsibility rests with the equipment manufacturer, the overall responsibility is the individuals, and certainly not with the state or its representatives.

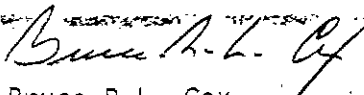
In areas of insurance liability and safety, the AAC has standing expert committees who advise groups nationwide. In this respect, we avail ourselves to your committee and your officials in the resolution of any contemplated climbing regulations. For eighty years, the AAC has helped develop policies and management strategies for both State and Federal agencies in areas such as: Yosemite National Park, Mt. McKinley National Park, Seneca Rocks National Recreation Area, New River Gorge National Recreation Area, Slippery Rock State Park in Pennsylvania, Clifton Gorge State Park in Ohio, and many, many more. We offer the same expertise to West Virginia.

One last personal point to consider before making your decision on whether to give one individual alone the authority to regulate or ban climbing on any state land under your responsibility, concerns our individual freedom as Americans, and Governments responsibilities to the general public.

In my climbing career, I have traveled all over the world pursuing my love of climbing, even in communist countries. Only in our country have I found climbing banned or heavily restricted. This is rapidly changing as commercial pressures are brought upon public officials. Areas such as Mt. Rainer National Park, Baxter State Park in Maine, Stone Mountain State Park in North Carolina and others, have lifted bans or heavy restrictions on climbing. Officials now work closely with climbing groups to optimize and manage all interests and responsibilities to both satisfaction.

We at the AAC ask that you do not permit any ban on climbing but recognize a genuine public interest in the activity of climbing in the wild and wonderful lands of West Virginia.

Respectfully,



Bruce R.L. Cox
American Alpine Club
Access and Use Committee



West Virginia Planning Association

Post Office Box 669
Charleston, West Virginia 25323

January 23, 1987



MacQueen
#29
Rec'd
Dept of Commerce
JAN 26 1987
3:00 p.m.
Parks & Recreation

W. Va. Department of Commerce
1900 Washington Street E
Charleston, W. Va. 25305

Gentlemen:

Attached is my edited comments on you rules governing state parks.

You will note that I changed 'prohibited' in most instances to 'permitted' under the various conditions. It makes a much more positive and welcoming document for those visitors to the parks and forests.

Thank you for the opportunity to comment.

Sincerely yours,

Charles W. MacQueen
Charles W. MacQueen, AICP

CWM

A Chapter of the AMERICAN PLANNING ASSOCIATION

B & B Enterprises

P.O. Box 441
Lewisburg, W. Va. 24901
Phone (304) 772-5049

LIEBMAN

letter + appeared

January 21, 1987

Chapter 5B-1
Section 2.8

#27

Stated

Bob Liebman

representing cavers (spelunkers) of Greenbrier & Monroe Counties, the Greenbrier Grotto (cave club), Director of National Speleological Society

Against 2.8

Cavers (spelunkers) have had no accidents, incidents, or problems on the state lands covered by these rules.

There is a WV Cave Law (passed in the late 1970's, instigated by the Greenbrier Grotto) which says the cave owners cannot be held liable for injuries. 8-25-7-6 WV cave

FS

Spelunking (cave exploring), horseback riding, and rock climbing are legitimate use of state parks, city parks, and national parks around the country. They should be in WV also.

There is more to cave exploring than meets the eye: surveying, biology, bat counts, studying endangered species, geology, hydrology, etc.

Seems very biased - just picking a few activities a person doesn't like and put them in section 2.8. Many other "high-risk" activities not listed, such as skiing, rafting and so on. How ABOUT JOEING & FOOTBALL?

Since when is horseback riding a high risk sport?

One past superintendent says that at Pipestem during his 9 years, there were no incidents with rock climbing, no incidents with horse back riders with their own horses, and no problems with spelunkers.

The second part of 2.8 is not a rule, only editorial comment and does not belong there.

Activities mentioned (spelunking, horse back riding, rock climbing) are promoted at WV welcome centers, in state park brochures, official state map, and color pictures on display.

Seneca Rocks is set up by the National Park Service with displays, and color movies about climbers as well as telescopes to watch the climbers.

B & B Enterprises

P.O. Box 441
Lewisburg, W. Va. 24901
Phone (304) 772-5049

January 21, 1987

Bob Liebman comments against Section 2.8 p.2

No cavers were contacted before 2.8 was set up and worded.

There is no reason for an emergency meeting, other than to try to slip something past us.

Section 2.8 should not be passed.

There is no definition of high-risk activities.

Anyone may contact me to discuss this with regards to park regulation.

EMERGENCY RESCUE TRAINING TAKES PLACE AT CLIFFS-
TEACHERS TAKE CLASSES CAVE EXPLORING

B & B Enterprises

P.O. Box 441
Lewisburg, W. Va. 24901
Phone (304) 772-5049

Liebman

Letter

January 21, 1987

Brenda Harper
Department of Commerce
1800 Washington St East
Building 6
Charleston, WV 25305

Dear Ms. Harper:

Re: Chapter 5B-1 Section 2.8

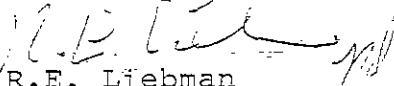
As an avid caver (also called spelunker) and representing the cavers of southwestern West Virginia, we are against the park rule 2.8.

Spelunking, horse back riding, rock climbing are legitimate uses of state and national parks in other states and should be in parks in West Virginia.

Vote NO on 2.8.

Thank you.

Sincerely,


R.E. Liebman
President

RL/pd

SIMMONS

#45

Garry T. Simmons
4888 Christy Rd.
Murrysville, PA 15668

January 16, 1987

West Virginia Department of Commerce
Room B451, Building 6
1900 Washington Street, East
Charleston, WV 25305

Dear Sirs,

This letter is in response to Section 2.8 of Rules Governing Public Use of State Parks, State Forests, and State Hunting and Fishing Areas. This section prohibits all "high risk" recreational activities from state parks and forests except where specific activities are approved by an Area Supervisor.

As a member of the Pittsburgh Council of American Youth Hostels (AYH) and one of the rock climbing chairmen, I have a special interest in the proposed rules for both myself and other AYH members that participate in some of the activities excluded, as well as other activities that may be excluded but were not specifically listed. It is unfortunate as well as inconsiderate that such short notice about the hearing on Jan. 21 was given. It takes time for people, such as myself, to arrange to be off work so as to attend the hearing and voice our opinions on these rules. Mr. Doren Burrell, Assistant Attorney General has stated in a letter to Ray Ratliff dated Nov 25, 1986, that the Department of Commerce wishes to gather opinions from all interested parties on the use of state parks. I commend the Department for this stand, but the short notice given about the hearing combined with the holiday season makes it very hard to spread the news about this rule change. I believe that the short notice given will not allow for all concerned parties to make their opinions known, and since these rules have very wide ranging effects, more time should be given. Myself and fellow rock climbers are willing to discuss the use of state parks and forests for rock climbing anytime, anywhere.

West Virginia likes to advertise itself as being "Wild and Wonderful". This motto is apparently aimed at drawing tourists that participate in outdoor activities that are not available in less "Wild" areas of the country. Should these rules be passed, West Virginia residents, as well as out of state visitors such as myself may not be able to participate in our favorite activities on state land. I know that I spend a good deal of money in the state on my various trips to go rock climbing, camping, etc. If Coopers Rocks were open for rock climbing I would be making even more trips to your state and spending even more money there. Prohibiting such a wide range of activities could hurt many local

businesses that rely on climbers, cavers, rafters, etc. for much of their business. I hear that the vendors at Coopers Rocks are having a tough time of it since climbing was prohibited there. Seneca Rocks is a classic example of using so called "high risk" activities to boost local business. There is significant tourist and climber traffic in the town from May - October each year. Talk to the businesses there and see whether or not they want climbing prohibited there (I realize that Seneca is on Federal land and is not affected. Given as an example only).

I am confused as to why only high risk activities are being prohibited. Driving in rush hour traffic on the freeway is much more dangerous than rock climbing. If the safety and well being of rock climbers is the reason for this section, this is the wrong way to do it. Perhaps well informed rangers could be used to patrol rock climbing areas and look for parties not following accepted safe climbing practices. I hope to find out the reason this section is included in the rule change when I attend the hearing.

I realize the natural resources found in West Virginia must be shared by all. Places of particular scenic beauty may need to be off limits to climbers and others to preserve the area for enjoyment by the general public. I am not after every last inch of good climbing area in the state, but I don't want to see climbers and others that participate in so called "high risk" activities be cut out of the picture altogether. Rock climbing and other activities are long established uses of the land. Unlike some other activities, new areas to go climbing at are constantly being discovered. Section 2.8 will make exploring the hills of state parks and forests for new climbing areas illegal. The same can be said for cavers, who are always looking for new caves. I believe that a compromise, palatable to both the Department and the users of the parks is possible, but we need a chance for our side of this issue to be heard. I plan to attend the hearing in Charleston on Jan 21 to let my views be heard.

Sincerely Yours,

A handwritten signature in cursive script that reads "Garry T. Simmons". The signature is fluid and somewhat stylized, with the first and last names being more prominent than the middle initial.

Garry T. Simmons