



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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6/10/2019 3:43:01 PM

Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Natural Resources TITLE-SERIES: 58-34

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: SPECIAL PROJECTS AND GRANTS FOR WEST VIRGINIA STATE PARKS, STATE FORESTS, AND STATE RAIL TRAILS UNDER THE DIVISION OF NATURAL RESOURCES

CITE STATUTORY AUTHORITY: §20-5-2

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/10/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Wendy L. Greene

ADDRESS: 324 4th Avenue, Room 343
South Charleston, WV 25303

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PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

This rule governs special projects and grants for West Virginia State Park, State Forests and State Rail Trails under the jurisdiction and management of the Division of Natural Resources, Parks & Recreation Section.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

Changes to this rule include the removal of no longer existing state wildlife management areas under the Parks & Recreation Section, adding State Rail Trails and including an increase in matching grant funds to \$25,000.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no anticipated change in revenue.

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

There is no anticipated change in administrative costs.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

There are no anticipated changes in administrative costs or revenue.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Wesley H White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

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

§58-34-1. General.

1.1. Scope. -- This legislative rule governs special projects and grants for West Virginia state parks, state forests, and ~~recreation areas in state wildlife management areas~~ state rail trails under the jurisdiction and management of the Division of Natural Resources, Parks and Recreation Section. This rule ~~shall not be construed to~~ does not include the state forests or state wildlife management areas, or any areas or facilities in the state forests or state wildlife management areas, under the jurisdiction and management of the ~~Department of Agriculture or the Wildlife Resources section of the Division of Natural Resources, respectively.~~ This rule is necessary to provide for public health, safety and welfare; ~~to protect~~ the protection of state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

1.2. Authority. -- W. Va. Code §20-5-2.

1.3. Filing Date. -- ~~May 11, 2001.~~

1.4. Effective Date -- ~~May 11, 2001.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon the expiration of five years from its effective date.

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

2.1. State park, ~~and state forest, state rail trail~~ or other public land area foundations may apply ~~for~~ to the Chief of Parks and Recreation and be awarded 50% matching grants of up to ~~\$7,500~~ \$25,000 per project as part of an "adopt a state park, ~~or forest, or rail trail~~ program" for maintenance and improvement projects approved by the Chief of Parks and Recreation. To qualify, a chartered foundation shall formally adopt the area for which it was created and for which it is working. A foundation may adopt a state park, forest, wildlife management or recreation area or rail trail with the approval of the Director of the Division of Natural Resources.

2.2. With prior authorization of the Director of the Division of Natural Resources any individual or group may have free use of a picnic shelter for one day during each calendar year or have free use of a cabin for one week during each calendar year in exchange for donation of materials and labor for the construction of the cabin or picnic shelter. The design and construction of the cabin or picnic shelter must be in accordance

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