



**WEST VIRGINIA SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

7/23/2019 3:05:24 PM

Office of West Virginia  
Secretary Of State

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

AGENCY: Natural Resources TITLE-SERIES: 58-32

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

RULE NAME: 58-32 Public Use of Campgrounds in West Virginia State Parks and State Forests and Campsites in State Rail Trails under the Division of Natural Resources

**PRIMARY CONTACT**

NAME: Wendy L Greene

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

EMAIL: wendy.l.greene@wv.gov

PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §§20-5-2 and 20-5-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-5-2(8) provides rule making authority to control the use of state parks, §20-5-2(12)(13) provide authority relating to campsite reservations and §20-5-3(h)(i) provide authority for rail trail protection, operation and maintainance.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/10/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/10/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

**SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:**

This rule governs the public use of campgrounds under the jurisdiction of the Parks and Recreation Section in West Virginia State Parks and State Forests and campsites in State Rail Trails.

**STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:**

Revisions to this rule include changes necessary to implement the new online campground reservation system and includes changes related to authorized occupancy of campsites in state park campgrounds. Updates include the removal of no longer existing state wildlife management areas under the Parks & Recreation Section and adding regulations for campsites within State Rail Trails.

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

**A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:**

There are no anticipated changes to revenue.

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

There are no anticipated changes to administrative costs.

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0	0	0
<b>Personal Services</b>	0	0	0
<b>Current Expenses</b>	0	0	0
<b>Repairs and Alterations</b>	0	0	0
<b>Assets</b>	0	0	0
<b>Other</b>	0	0	0
<b>2. Estimated Total Revenues</b>	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 32  
PUBLIC USE OF CAMPGROUNDS IN WEST VIRGINIA STATE PARKS, AND  
~~STATE FORESTS, AND STATE WILDLIFE MANAGEMENT AREAS~~ AND CAMPSITES IN STATE RAIL TRAILS  
UNDER THE DIVISION OF NATURAL RESOURCES

**§58-32-1. General.**

1.1. Scope. -- This legislative rule governs the public use of campgrounds in West Virginia state parks, and state forests, and recreation areas in state wildlife management areas and campsites in West Virginia 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 other sections 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 and 20-5-3.

1.3. Filing Date. -- ~~May 16, 1996.~~

1.4. Effective Date. -- ~~July 1, 1996.~~

~~1.5. This rule repeals and replaces Division of Natural Resources' Rule Governing Public Use of West Virginia State Parks, State Forests, and State Wildlife Management Areas, 58 CSR 5.~~

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.

**§58-32-2. Rules Governing Public Use of Campgrounds in State Parks, and State Forests, and State Wildlife Management Areas under the Division of Natural Resources, Parks and Recreation Section.**

~~2.1. 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.~~

2.1. A campsite may not be occupied until the rental fee for the site has been paid. A campsite is considered reserved when the rental fee for the site has been paid. Rental fees may be paid online, by phone, or in person at the campground check-in station or park office. Registered occupants of a reserved campsite are considered registered campers.

~~2.2. One responsible person who has passed his or her eighteenth (18th) birthday and who is answerable for the actions and safety of the campsite occupants and liable for any damages caused by them~~

~~shall be at each rented campsite.~~

2.2. A person who is 18 years of age or older shall be at each rented campsite and be responsible for the actions and safety of all campsite occupants and shall be liable for any damages caused by campsite occupants.

2.3. No person may camp in any manner in any state parks, or state forests, and state wildlife management areas, except at numbered sites in areas designated for camping. Campground facilities are ~~provided~~ for the ~~exclusive~~ use of registered campers only, except that the area superintendent, at his or her discretion, may ~~permit~~ designate times during which cabin guests to are permitted use of campground laundry facilities during periods of low use by campers, ~~preferably at a designated time.~~

~~2.4. The length of stay in any camping area shall not exceed 14 consecutive nights. 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 14 consecutive nights the area superintendent, at his or her 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. Campers not granted a discretionary extension must vacate park campsites for a period of 48 hours.~~

2.4. The rental period for any campsite may not exceed 14 consecutive nights. Occupancy of a campsite may not be extended beyond 14 consecutive nights by a rental fee being paid by any additional campsite occupant; except that, after Labor Day until May 1<sup>st</sup> of the following year, the area superintendent, at his or her discretion, may rent campsites for longer periods when vacant campsites are available. Following a rental period exceeding 14 consecutive nights, the area superintendent, at his or her discretion, may request the camper or campers move to another campsite for purposes of conservation and maintenance of the first rental site.

2.5. Not more than two motor vehicles are permitted on a campsite at any time. ~~A non family camping group may have only~~ No more than one camping unit (tent, trailer, motor home, camper van, etc.) on its is permitted on a campsite. ~~A~~ Except 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~~ provided, the additional units not be ecologically detrimental to the campsite. For purposes of this section, a family is defined as parents or guardians and their dependent children.

2.5.1. Group campsites are exempt from the motor vehicle and camping unit restrictions in Section 2.5. of this rule. Area superintendents, at his or her discretion, may establish motor vehicle and camping unit use restrictions for group campsites under their authority.

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

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

2.8. No person may wash any equipment, paraphernalia, clothing, pet or human body at water fountains and water pumps, and in lakes, ponds, pools and streams. No person may wash cooking utensils, tableware, flatware or any other cooking or eating paraphernalia at water fountains ~~and or~~ water pumps, and or in comfort stations, bathhouses and washrooms.

**58CSR32**

2.9. 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. The Chief of Parks and Recreation, Division of Natural Resources, may permit the use of hay and straw in conjunction with special events or programs.

2.10. 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.

~~2.11. 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.~~

2.11. Quiet hours are from 10:00 p.m. to 7:00 a.m. Generators shall not be operated during quiet hours.

~~2.12. 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.~~

2.12. Use of motorbikes is prohibited within camping areas, except for travel to and from a campsite. Use of bicycles in camping areas after dark is prohibited, except bicycles equipped with lights on both the front and rear may be ridden in camping areas after dark, provided the front and rear lights are on while being ridden.

2.13. In accordance with W. Va. Code §20-5-19, West Virginia residents who are totally and permanently disabled are entitled to a 50 percent discount on campground rental fees from the day after Labor Day until four days prior to Memorial Day only. To qualify for the discount, they shall submit an application and a certification of state residency and disability form to the Director of Natural Resources. The Director shall issue each qualified applicant a permanent campground discount card. The application and qualification forms are available in all ~~Parks and Recreation~~ state recreational areas parks and state forests and the South Charleston Parks and Recreation office.

2.14. Any person may be evicted from a state park or state forest for any violation of this rule. All rental fees are forfeited upon eviction.

**§58-32-3. Rules Governing Public Use of Campsites in State Rail Trails under the Division of Natural Resources, Parks and Recreation Section.**

3.1. State rail trail campsites are available on a first-come, first-served basis.

3.2. A person who is 18 years of age or older shall be at each campsite and be responsible for the actions and safety of all campsite occupants and shall be liable for any damages caused by campsite occupants.

3.3. No person may occupy a state rail trail campsite for more than 14 consecutive nights.

3.4. No person may permit a trail animal to occupy a rail trail campsite in any manner that creates an erosive condition or be ecologically detrimental to the campsite.

3.5. No person may wash cooking utensils, tableware, flatware or any other cooking or eating paraphernalia at water fountains or water pumps.

58CSR32

3.7. 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. The Chief of Parks and Recreation, Division of Natural Resources, may permit the use of hay and straw in conjunction with special events or programs.

3.8. No object may be driven into any tree, shrub, rock, sign, building or other object or structure in a state rail trail campsite. Trenching or digging in a campsite is prohibited.

3.9. Quiet hours are from 10:00 p.m. to 7:00 a.m.

3.10. Any person may be evicted from a state rail trail for any violation of this rule.

**§58-32-34. Enforcement of Rules Governing Public Use of Campgrounds in State Parks, State Forests, and Recreation Areas in State Wildlife Management Areas Campsites in State Rail Trails under the Division of Natural Resources, Parks and Recreation Section and Penalties.**

~~3.1.4.1.~~ Responsibility for enforcing the rules.

It is the duty and responsibility of ~~Conservation Officers~~ Natural Resources Police Officers, ~~Special Conservation Officers~~ Natural Resources Police Officers, and the superintendents, assistant superintendents and managers of state parks, state forests, and state ~~wildlife management areas~~ rail trails to enforce all of the provisions of this rule.

~~3.2.4.2.~~ Violation of rules and penalties.

Any person violating any of the provisions of this rule is guilty of a misdemeanor, and, upon conviction thereof, shall be punished in accordance with W. Va. Code §20-7-9.