

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

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WEST VIRGINIA  
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Natural Resources TITLE NUMBER: 58

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 31

TITLE OF RULE BEING AMENDED: Rules Governing Public Use of WV State Parks, State  
Forests, & State Wildlife Management Areas under the  
jurisdiction of the Division of Natural Resources

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB4210

SECTION 64-10-3(c), PASSED ON March 10, 2006

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: June 1, 2006

Brian Helms  
Authorized Signature

TITLE 58  
LEGISLATIVE RULE  
DIVISION OF NATURAL RESOURCES

SERIES 31

PUBLIC USE OF WEST VIRGINIA STATE PARKS,  
STATE FORESTS, AND STATE WILDLIFE MANAGEMENT AREAS  
UNDER THE DIVISION OF NATURAL RESOURCES

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**§58-31-1. General.**

1.1. Scope. -- This legislative rule governs the public use of West Virginia state parks, state forests, and recreation areas in state wildlife management areas under the jurisdiction and management of the Division of Natural Resources, Parks and Recreation Section. This rule is necessary to provide for public health, safety and welfare; to protect state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

1.2. Authority. -- W. Va. Code §20-1-7.

1.3. Filing Date. -- April 10, 2002

1.4. Effective Date. -- May 1, 2002

**§58-31-2. General Rules Governing Public Use of State Parks, State Forests, and Recreational Areas in State Wildlife Management Areas under the Division of Natural Resources.**

2.1. No person shall 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 wildlife management area. This subsection does not apply to the erection of temporary blinds or tree stands in state wildlife management areas.

2.2. No person shall 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 wildlife management area, except those legally

acquired through hunting and fishing in accordance with W. Va. Code §20-2-1 et seq. or upon proper authorization in writing by the Chief of Parks and Recreation, Division of Natural Resources.

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 persons 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 a container provided specifically for that purpose but only after they are extinguished. The 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 or her possession any animal, except as provided in W. Va. Code §20-2-1 et seq. Hunting is prohibited in all state parks; however, legally authorized hunting is permitted in state forests, and state wildlife management areas.

a. No person shall attempt to feed, or feed, any animal in a state park, state forest, or state wildlife management 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.

2.6. Swimming is prohibited in state parks, state forests, and state wildlife management areas, except in places designated for that purpose.

2.7. Recreational activities including, but not limited to, rock climbing, rappelling, 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 of these activities shall register at the area superintendent's office before engaging or participating in them and specify where they will take place. Participants in these 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 subsection 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 wildlife management 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 or she uses or purchases in a state park, state forest, or state wildlife management area.

2.11. Unless other operating hours are posted at all park entrances, 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 wildlife management 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 the premises are closed to the general public.

2.12. Dogs and cats are the only pets permitted in state parks, state forests, and state wildlife management area. These pets are permitted in state park and state forest cabins and the areas immediately around them at those parks and forests identified by the Director of DNR for that use. The Director may set the number of state park and state forest cabins that will be designated as pet friendly, as well as to establish all necessary and incidental reservation policies and fees. All pets are prohibited in state park lodges, and in swimming pool and beach swimming areas. In and around campgrounds, picnic areas, playgrounds, designated roads and trails 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, the owner or master shall clean up the pet's excreta, keep it quiet and from disturbing other guests, and is responsible for all damages it causes. Cabin pet policy for facilities not directly operated by the state shall be set by the contractual operator subject to the review and approval of the Director.

2.13. Explosives, incendiaries, flammables and other dangerous substances are prohibited in state parks, state forests, and state wildlife management areas.

2.14. Uncased firearms, uncased bows and uncased arrows are prohibited in state parks, state forests, and state wildlife management areas, and on state trails, except:

a. 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 in a case from his or her lodge room, cabin or campsite to open hunting areas, or to an officially designated rifle, pistol, skeet, trap, target or shooting range;

b. Area superintendents may authorize their use in historical reenactments and plays; and

c. The Chief of Parks and Recreation, Division of Natural Resources, may authorize their use for a limited period in conjunction with recreational and arts and crafts programs.

2.15. The Division of Natural Resources assumes no responsibility for any personal property. If personal property is abandoned or left unattended by park guests 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 wildlife management areas without the written permission of the Director of the Division of Natural Resources.

2.17. Fishing and boating are permitted in state parks, state forests, and state wildlife management areas only in accordance with state law, fishing and boating rules promulgated under the law, and rules publicly posted in those areas.

2.18. The speed limit for motor vehicles is thirty (30) miles per hour in state parks, state forests, and state wildlife management 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 persons operating motor vehicles in state recreational areas shall obey and comply with all applicable state laws and rules.

a. Mountain and trail bicycles may be

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

b. For the purposes of this subsection, "mountain and trail bicycles" means any devices designed for operation on mountains and trails having two tandem wheels and pedals for propelling it by human power.

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

2.21. Except as authorized in writing by the Director for group functions, no person shall have in his or her possession beer, wine, liquor, or other alcoholic beverages within the boundaries of the following historical, day use and natural area state parks which include:

Beartown,  
 Berkeley Springs,  
 Brush Creek Falls, day-use area managed by  
 Pipestem State Park,  
 Carnifex Ferry Battlefield,  
 Cass Scenic Railroad,  
 Cathedral,  
 Chief Logan; Provided, That beer, wine, and  
 alcoholic beverages may be served in the  
 restaurant, lodge, and conference center, without  
 prior written authorization from the Director,  
 Droop Mountain Battlefield,  
 Fairfax Stone Historic Monument,  
 Little Beaver,  
 Pinnacle Rock,  
 Tu-Endie-Wei,  
 Prickett's Fort,  
 Valley Falls, and  
 Watters Smith Memorial, the  
 Greenbrier River Trail, and the  
 North Bend Rail Trail;  
 in the following vacation parks:  
 Audra, except in reserved picnic shelters;  
 Babcock,  
 Camp Creek,

Moncove Lake,  
 Tomlinson Run, except in reserved picnic shelters,  
 Bluestone State Park, in all boat launch ramp  
 parking areas and all camping areas within its  
 boundaries,  
 Beech Fork State Park, in all camping areas within  
 its boundaries, and  
 Hawks Nest State Park, except the lodge and  
 Hawks Nest golf course which is operated as part  
 of Hawks Nest State Park;

in all state forests, which include:

Cabwaylingo,  
 Calvin Price,  
 Camp Creek,  
 Coopers Rock,  
 Greenbrier,  
 Kanawha,  
 Kumbrabow,  
 Panther, and  
 Seneca;

in the following State wildlife management areas:

Berwind Lake,  
 Bluestone,  
 Laurel Lake, and  
 Plum Orchard Lake;

and in those state park and state forest areas where  
 they are prohibited by posted signs; Provided,  
 That any person, group, or association sponsoring  
 a private party at the multi-purpose log barn at  
 Prickett's Fort State Park may provide beer, wine,  
 liquor, and all other alcoholic beverages for guests  
 at a private party as long as the party is not open  
 to the general public.

2.22. The Director of the Division of Natural  
 Resources may issue special use permits and enter  
 into written agreements with persons who  
 demonstrate to the satisfaction of the Director that  
 they have good cause to use a motor driven  
 vehicle on the Greenbrier River Trail or the North  
 Bend Rail Trail. The Director may also authorize  
 persons with legitimate need to use motorized  
 vehicles on the trails as authorized in subdivision  
 2.22.3 of this rule.

2.22.1. The Director may, upon

application in writing and for good cause shown,  
 issue a written special use permit authorizing  
 limited use of motorized vehicles on either the  
 North Bend Rail Trail or Greenbrier River Trail.  
 A separate permit is required for each use. Each  
 permit shall specify the limitation on access,  
 including such things as the date, time not to  
 exceed three days, place, method and distance the  
 applicant will be allowed to have access to the  
 trail. As part of the permit process, the Director  
 shall enter into a written agreement to allow the  
 use of motorized vehicles on the trails. The  
 agreement shall specify the limitations of the use  
 and require, in exchange for such use, that the  
 persons allowed to use motorized vehicles on the  
 trails shall maintain a specified area of the trail for  
 a specified length of time. The terms of the  
 maintenance portion of the agreement shall  
 depend on the length and nature of the use.

2.22.2. Good cause may be shown by (a)  
 those persons in need of limited access to adjacent  
 land that the applicant owns or leases for  
 agriculture purposes and who have demonstrated  
 no other reasonable means to gain entry to the  
 adjacent land; (b) those persons who have a vested  
 right of ingress to and egress from the trail and (c)  
 those persons required by law to plug or reclaim  
 oil or gas wells.

2.22.3. Persons with a legitimate need to  
 use motorized vehicles on the trails are exempt  
 from the permit requirements. A legitimate need  
 is limited to (a) those persons who are authorized  
 by the Director to use motorized vehicles in the  
 management, construction, and maintenance and  
 operation of the trails and facilities and (b)  
 persons and equipment to fight forest fires and  
 handle other emergencies.

2.23. Any person may be evicted from a state  
 park, state forest, or state wildlife management  
 area for any breach of this rule, or for the breach  
 of any other rule which is in effect governing their  
 use. All rentals, charges and fees are forfeited  
 upon an eviction.

**§58-31-3. Enforcement of Rules Governing Public Use of State Parks, State Forests, and Recreation Areas in State Wildlife Management Areas under the Division of Natural Resources and Penalties.**

3.1. Responsibility for enforcing the rules.

Conservation Officers, Special Conservation Officers, and the superintendents, assistant superintendents and managers of state parks, state forests, and state wildlife management areas shall enforce all of the provisions of this rule.

3.2. 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.