

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 468**

BY SENATORS HAMILTON, MAYNARD, PLYMALE, TAYLOR,

STUART, AND KARNES

[Originating in the Committee on Outdoor Recreation;

reported on February 27, 2023]



1 A BILL to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating  
2 to continuing the Cabwaylingo State Forest Trail System and developing the existing  
3 Hatfield-McCoy trail system solely for the purpose of providing access to state park and  
4 state forest recreational facilities.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3. FORESTS AND WILDLIFE AREAS.**

**§20-3-3a. Cabwaylingo ~~Pilot Project~~ State Forest Trail System.**

1 (a) The director, in consultation with the forestry director, ~~shall establish a two-year pilot~~  
2 ~~project permitting~~ may permit all-terrain vehicles (ATVs), and off-highway recreational vehicles  
3 (ORVs), and utility-terrain vehicles (UTVs) to drive on roads and trails in Cabwaylingo State  
4 Forest, as designated and approved by the director. The director may establish special seasons  
5 and designate certain campgrounds and tent sites ~~for ATV and ORV users~~ in the forest.

6 (b) The director, in consultation with the forestry director, may establish a special permit  
7 for purchase by the ATV and ORV users for road and trail access, and may close any areas, or  
8 parts thereof, to public use. Should the director establish such a special permit, it shall be unlawful,  
9 at any time, to operate an ATV or ORV on any roads and trails in Cabwaylingo State Forest  
10 without the special permit.

11 (c) The provisions of §20-15-1 *et seq.* of this code apply to the division, participants,  
12 outfitters, and licensees of the Cabwaylingo ~~Pilot Project~~ State Forest Trail System, though ORVs  
13 may be permitted.

14 (d) ~~At the conclusion of the two-year pilot project, the Legislative Auditor shall review the~~  
15 ~~pilot project and file a report with the Joint Committee on Government and Finance~~ The Director  
16 of the Division of Natural Resources shall have the authority to authorize the development and  
17 use of certain connector trails from existing private systems, including, without limitation, the  
18 Hatfield-McCoy systems, solely for the for the purpose of providing access to state park and state  
19 forest recreational facilities by ATV, ORV, and UTV trail system users.

20           (e) The Director of the Division of Natural Resources shall have authority to promulgate  
21 emergency legislative rules and legislative rules necessary to effectuate the provisions of this  
22 section.