

IN THE COUNTY COMMISSION OF WOOD COUNTY, WEST VIRGINIA

IN RE: MINUTES OF MEETING HELD
MONDAY, SEPTEMBER 12, 1994

PRESENT: JEAN GRAPES, PRESIDENT PRO TEM
STEVEN A. GRIMM, COMMISSIONER

ABSENT: HOLMES R. SHAVER, PRESIDENT

On this date, the County Commission met in regular session. They signed purchase orders, invoices and other correspondence.

On this date, the County Commission approved a Personal Property Improper for Beulah V. Reynolds - Clay District.

On this date, the County Commission approved Exonerations for Riverview Cemetery Assn. Trs. - Williams District; Floyd L. & Rebecca Sue Lewis - City District; Paul S. & Dorothy K. Bibbee - Clay District; Ralph S. & Wilma Y. Hill - City District; Dora Sheppard Hennen - City District; John J. Sinar - City District; Betty L. Griffith - Parkersburg City District; and Henry D. Cline - Tygart District.

At 2:00 P.M., the County Commission met with Toni Tiano, Grant Consultant, to discuss two contracts in regard to the Offender Treatment Program. The County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, authorized Jean Grapes, as President Pro Tem, to enter into an Agreement by and between the County Commission and Kurt A. Klettner, Counselor. Execution of said Agreement will provide counseling services through the adult Probation Office and the Wood County Correctional Center for Adult Offenders who have drug and/or alcohol abuse substance problems. Funding for the continuation of such program is through the Drug Control and System Improvement Grant No. 94-DC-049.

Counseling services provided by Counselor Klettner are not to exceed twenty-two hours per week individually or jointly with any other counselor for a period of fifty weeks. Of the said twenty-two hours per week, sixteen hours shall be spent at the Adult Probation Office and six hours shall be spent at the Wood County Correctional Center. The term of said agreement shall commence on August 1, 1994 and shall continue through July 31, 1995. The Agreement may be terminated for just cause by either party upon thirty days written notice given by one party to the other. The same Agreement was also signed by and between the County Commission and Bridget S. Reger, Counselor. Orders were prepared regarding both Agreements.

At 3:00 P.M., the County Commission met with Michele Rusen, Prosecuting Attorney, and Ed Bohren, Director of Mountwood Park, to discuss the Mountwood Park OHV/Mountain Bike Trails. Mr. Bohren presented a copy of the Rules and Regulations of the Trails to the County Commission and asked that it be submitted into law. Ms. Rusen stated that Chapter 7, Article 11, Section 5 of the West Virginia Code, 1931, as amended, empowers the County Commission to do this. Mr. Bohren stated that these rules and regulations are to protect individuals using the trails as well as protecting the park and if an individual breaks any rules or regulations, it would be considered a crime. Mr. Bohren stated that these Rules & Regulations were approved by the Wood County Parks and Recreation Commission (Mountwood Park) in May and he will send a copy of the minutes to the County Commission. A copy of the Rules and Regulations are attached to these minutes.

On this date, the County Commission, upon a motion duly made, seconded and passed, Ordered that Betty Lou Wetzel be removed as Executor of the Estate of Ruby Mildred Nichols, deceased, and that Evelyn DiClemente, daughter of Ruby M. Nichols, and beneficiary under the Last Will and Testament, be and is hereby appointed as Administratrix, c.t.a., d.b.n., of the Estate of Ruby Mildred Nichols, deceased, for the purposes of selling the real property located at 1340 St. Marys Avenue, Parkersburg, WV, pursuant to the directions of the decedent, Ruby M. Nichols, in her Last Will and Testament, duly probated and of record in the Office of the Clerk; filing the Final Settlement therein, and disbursing the proceeds of the Estate to those persons entitled thereto, with a bond to be posted in the amount of \$20,000.00. An Order was prepared regarding this matter.

On this date, the County Commission was in receipt of a check in the amount of \$1,252.55 of which the amount of \$1,124.55 represents reimbursement to Wood County for expenses incurred during the month of July, 1994 in regard to the Drug Control and System Improvement Grant No. 93-DC-070. Receipt of said check is pursuant to an Order bearing the date of August 18, 1994 at which time the Request for Reimbursement was signed by Jean Grapes, President Pro Tem. An Order was prepared regarding this matter.

The remaining amount of \$128.00 represents reimbursement to Wood County for expenses incurred during the month of July, 1994 in regard to the Drug Control and System Improvement Grant No. 93-DC-065. Receipt of said check is pursuant to an Order bearing the date of

August 18, 1994, at which time the Request for Reimbursement was signed by Jean Grapes, President Pro Tem. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Steven A. Grimm, seconded by Jean Grapes and passed, Ordered that the bid be let for the paving of the entrance road and the circle at Veteran's Park located off Route 31. The Legal Notice will appear in both The Parkersburg News and The Parkersburg Sentinel on September 16, 1994 and September 23, 1994 with bid opening to be held by the County Commission at 10:00 A.M. on Thursday, October 6, 1994. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Jean Grapes, seconded by Steven A. Grimm and passed, adopted a Resolution in reference to Corrected Budget Revision No. 2 in the Coal Severance Fund budget for the fiscal year 1994/1995. The Request for Revision to the Approved Budget, being submitted to the Department of Tax and Revenue, Charleston, WV, was signed by Jean Grapes, President Pro Tem. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion made by Jean Grapes, seconded by Steven A. Grimm and passed, adopted a Resolution in reference to Budget Revision No. 4 in the General County Fund budget for the fiscal year 1994/1995. The Request for Revision to the Approved Budget, being submitted to the Department of Tax and Revenue, Charleston, WV, was signed by Jean Grapes, President Pro Tem. An Order was prepared regarding this matter.

On this date, the County Commission, upon a motion duly made,

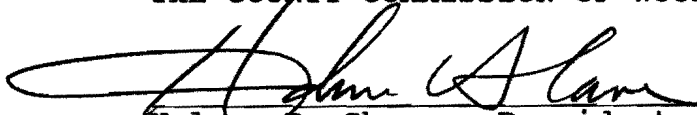
seconded and passed, appointed Clarabelle Pierce (Republican) and Wanda Sams (Democrat) as Emergency Absent Voter Ballot Commissioners to perform the duties and functions as set forth in Chapter 3, Article 3, Section 5c of the West Virginia Code. These appointments are for the General Election to be held in Wood County on Tuesday, November 8, 1994, and is pursuant to a letter of notification from Carole Jones, Wood County Circuit Clerk. An Order was prepared regarding this matter.


On this date, the County Commission was in receipt of the Statement of Accounts from One Valley Bank, Charleston, West Virginia, for the Bond Fund, the Expense Fund, the Rebate Fund and the Cost of Issuance Fund in regard to the Wood County, West Virginia, Single Family Mortgage Revenue Bonds, Series 1991. An Order was prepared regarding this matter.

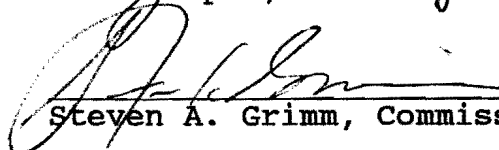
Having no further scheduled appointments or business to attend to, the County Commission adjourned at 4:00 P.M.

Approved:

THE COUNTY COMMISSION OF WOOD COUNTY


Holmes R. Shaver, President


Jean Grapes, Commissioner


Steven A. Grimm, Commissioner

PURCHASE ORDERS SIGNED ON SEPTEMBER 12, 1994

| | | |
|-----------|---------------------------|----------|
| No. 19081 | Freestyle | \$ 82.25 |
| 19104 | Parkersburg Office Supply | 5.55 |
| 19113 | Wildt's Photo Lab | 35.95 |
| 19115 | KMart | 41.81 |
| 19116 | KMart | 34.37 |
| 19118 | Broadwaters Motorcar | 233.34 |
| 19121 | Franklin Fire Equipment | 16.20 |
| 19126 | Parkersburg Office Supply | 2.28 |
| 19139 | Broadwaters Motorcar | 32.00 |
| 19140 | Broadwaters Motorcar | 24.97 |
| 19141 | Dils Ford | 26.74 |
| 19142 | NOE Office Equipment | 369.60 |
| 19148 | Imperial Glass | 128.50 |
| 19149 | Imperial Glass | 25.00 |
| 19153 | Mahone Tire Service | 210.60 |
| 19154 | Broadwaters Motorcar | 4.70 |
| 19161 | Lowe's Home Centers | 199.98 |
| 19163 | Signs & More | 75.00 |
| 19177 | Dils Ford | 18875.00 |

min
9/2/04

Rules and Regulations of Mountwood Park
OHV/Mountain Bike Trails

Mountwood OHV Trail will be open to the general public for OHV* use, mountain-biking and hiking beginning July 10, 1994.

Oak Ridge Trail will be open to the public and operated according to normally accepted management methods.

The following fees for permits are:

- | | | |
|----|-----------------------|-----------|
| 1) | 1 day permit | \$3.00 |
| 2) | Weekend permit | \$5.00 |
| 3) | Monthly permit | \$10.00 |
| 4) | Annual permit | \$50.00 |
| 5) | Monthly Family permit | \$15.00** |
| 6) | Annual Family permit | \$75.00** |

Mountwood Park requires that OHV permit applicants declare at least one year's operating experience and a high skill level or show proof of completion of approved training course or skills test as a condition of obtaining a permit. In the case of a minor, their parent or guardian must verify the declaration.

Permit decals must be displayed on the back of helmet while traveling in the Park on an OHV or mountain bike.

Permits are available at Mountwood Park Administrative Offices or Marina Concessions Area and at OHV/Cycle dealerships in the Tri-County Area.

The Park's Executive Director has the primary responsibility including and enforcing rules and regulations as in any Park activity. The Director may expend funds generated by the Use Permits to promote, operate and maintain the trail subject to established purchasing procedures. The Director shall have that authority to temporarily close any part of the trail or relocate trail section to achieve effective management. The Director shall have the authority to deny or revoke a Use permit of any person who has repeatedly violated operating rules or who cannot show reasonable competence and judgement in using the trail. The Director may recognize training courses or skills tests administered by recognized private organizations as proof of proficiency in permit applicants.

*OHV - defined as an ATV, Off-Road Motorcycle, or Snowmobile, all 50" or less in width, weighing 600 lbs. or less and having a seat designed to be straddled, and as defined in WV law Chapter 17.

****Family Permit** - applicable only to two adults and children under 18 years old living in the same dwelling.

The following rules are adopted and entered in the Order Book Code of the County Commission, thereby giving them the effect of the law as provided in WV Chapter 7-11-~~15~~5: Penalties for all violations of such rules shall be as set forth in W.Va. Code 7-11-5.

- 1) No person shall operate an OHV off a designated trail within the Park. Violation shall carry a recommended penalty of a \$100 fine.
- 2) No person shall operate an OHV or Mountain Bike while intoxicated. Violation shall carry a recommended penalty of a \$100 fine.
- 3) Department of Transportation approved helmets and eye protection shall be worn while operating an OHV. ANSI or SNELL approved helmets and eye protection must be worn while operating a Mountain Bike. Violation shall carry a recommended penalty of a \$50 fine.
- 4) An OHV operated within the Park shall not exceed an exhaust sound level of 96dbA as measured by SAE test JUN1287. Violation shall carry a recommended penalty of a \$50 fine.
- 5) No person shall operate any vehicle other than an ATV, Off-Highway Motorcycle, Snowmobile, or Mountain Bike on the designated OHV trail other than maintenance vehicles. Violations shall carry a recommended penalty of a \$100 fine.
- 6) No person shall operate any vehicle on the OHV Trail without the required permit, except those specifically exempted by the Park, properly displayed. Violations shall carry a recommended penalty of a \$50 fine.
- 7) No parent or guardian shall permit a person under the age of 16 to operate an OHV on the Park unless that person is under their direct, constant supervision. Violation shall carry a recommended penalty of a \$50 fine.
- 8) No person shall operate an OHV or a Mountain Bike in a reckless manner that endangers others. Violation shall carry a recommended penalty of a \$100 fine.

Mountwood Park
OHV/Mountain Bike Trails
Page 3

- 9) No person shall exceed the manufacturer's recommended loading capacity on an OHV. Violation shall carry a recommended penalty of a \$25 fine.
- 10) Non-motorized trail users shall yield the trail to any approaching OHV. OHV operators shall reduce speed to 10 mph when passing non-motorized trail users. Violation shall carry a recommended penalty of a \$25 fine.

WHEREAS, Wood County Parks & Recreation Commission, (The Commission) proposes to operate a complex of OHV Trails and related facilities (OHV Trails) within Mountwood Park, Walker District, Wood County, West Virginia, (The Park) and the Commission, finding it necessary and desirable to provide rules and regulations for the safe and orderly operation of said OHV trails, has approved the following rules and regulations and has submitted the same for adoption by The County Commission of Wood County,

NOW THEREFORE BE IT RESOLVED That the following rules and regulations for the use and operation of said OHV trails in Mountwood Park, be, and they are hereby adopted and approved:

A. DEFINITIONS:

1. An OHV, as used herein is defined as an ATV (all-terrain vehicle), off-road motorcycle, or snowmobile, all 50 inches or less in width, weighing not more than 600 pounds and having a seat designed to be straddled and handle bars for steering.

2. Mountwood OHV trails are shown and designated on a map approved by the Wood County Parks and Recreation Commission, dated June 29, 1994, and signed by the Executive Director, and such subsequent amended maps as may be thereafter approved and signed.

B. RULES & REGULATIONS:

1. The Park's Executive Director shall have primary responsibility including establishing and enforcing

rules and regulations as in any park activity. The Director may expend funds generated by the Use Permits to promote, operate and maintain the trails subject to established purchasing procedures. The Director shall have the authority to temporarily close any part of any trail or relocate trail sections to achieve effective management. The Director shall have the authority to deny or revoke a Use Permit of any person who has repeatedly violated operating rules or who cannot show reasonable competence and judgement in using the trail. The Director may recognize training courses or skills tests administered by recognized private organizations as proof of proficiency in permit applicants.

2. (a) No person shall operate an OHV except upon a designated trail within the Park. Violation shall carry a recommended penalty of \$100.00 fine.

(b) No person shall operate an OHV or Mountain Bike while intoxicated. Violation shall carry a recommended penalty of a \$100.00 fine.

(c) Department of Transportation approved helmets and eye protection shall be worn while operating an OHV. ANSI or SNELL approved helmets and eye protection must be worn while operating a Mountain Bike. Violation shall carry a recommended penalty of a \$50.00 fine.

(d) An OHV operated within the Park shall not exceed an exhaust sound level of 96dbA as measured by SAE test JUN1987. Violation shall carry a recommended penalty

of a \$50.00 fine.

(e) No person shall operate any vehicle other than an ATV, Off-Highway Motorcycle, Snowmobile, or Mountain Bike on the designated OHV trail other than maintenance vehicles. Violations shall carry a recommended penalty of a \$100.00 fine.

(f) No person shall operate any vehicle on the OHV Trail without the required permit (properly displayed.) Violations shall carry a recommended penalty of a \$50.00 fine.

(g) No parent or guardian shall permit a person under the age of 16 to operate an OHV on the Park unless that person is under their direct, constant supervision. Violation shall carry a recommended penalty of a \$50.00 fine.

(h) No person shall operate an OHV or a Mountain Bike in a reckless manner that endangers others. Violation shall carry a recommended penalty of a \$100.00 fine.

(i) No person shall exceed the manufacturers' recommended loading capacity on an OHV. Violation shall carry a recommended penalty of a \$25.00 fine.

(j) Non-motorized trail users shall yield the trail to any approaching OHV. OHV operators shall reduce speed to 10 mph when passing non-motorized trail users. Violation shall carry a penalty of a \$25.00 fine.

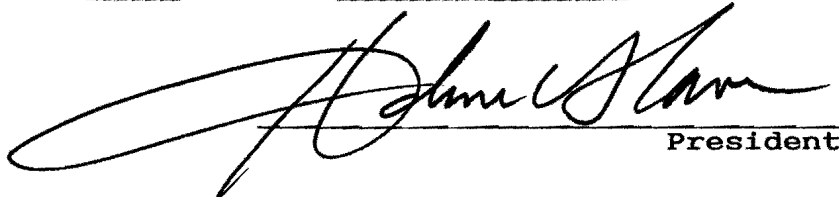
C. PENALTIES:

1. Any person violating any of the aforesaid rules or regulations shall be guilty of a misdemeanor and ~~(a)~~ upon conviction shall be subject to the penalties set forth in W.Va. Code 7-11-5, with such weight to be given to the recommendations contained herein as warranted by the magistrate or judge hearing such matter.

(a) The violator's OHV permit may be revoked by the Park's Executive Director for such period as he shall deem advisable, or

(b) Both criminal penalties and the revocation of the OHV permit may occur.

Dated this _____ day of _____, 1994.



President

Member

Member

mick
9/2/94

WOOD COUNTY PARKS AND RECREATION COMMISSION

TO: All Commission Members

FROM : Garner Norman, Chairman, AdHoc Committee on OHV's

Garner Norman
RE: Revised final Committee report

February 2, 1994

Dear Member

Enclosed is the OHV Committee report as revised to better accommmodate Mountain bikers, clarify some of the issues regarding maintenance, and a recommendation to continue the AdHoc Committee on an advisory basis.

The report has been reviewed by our legal counsel and is now ready for your review before being acted upon at the next regular board meeting.

Please give the report your full consideration and call me any time at 423-7891 (days) or 422-8717 (evenings) if you have any comments or questions.

**Wood County Parks & Recreation Commission
AdHoc Committee on OHV's
DRAFT FINAL REPORT**

FINDINGS

Recreational/Land Use Issues

There is a significant demand for opportunities for OHV recreation. There are an estimated 3500 OHV's owned by Wood County residents. Mountwood's OHV trail has received regular moderate to light use since its opening in 1990. The Park Commission has limited use of the trail by OHV users to members of WVOHVA Little Kanawha Chapter, numbering some 600 people, and their guests as a management method.

OHV recreation opportunities are provided on public land in a majority of states. OHV recreation is recognized by the Department of Interior's LWCF; the National Park Service; the Bureau of Land Management; the U.S. Forest Service; and the Army Corps of Engineers as a legitimate recreational use of public land.

The current location of OHV trails in the Park does not pose a significant disturbance to other legitimate Park uses. The trail's location is through the remote, rugged, and otherwise unused areas of the Park, providing the only means of monitoring activity in these areas. Sound produced by use of the trail is not audible over normally present background noise from the other regular use areas of the Park.

There was no significant legitimate use of those areas of the Park now occupied by the trail prior to its establishment, and there are no projected or suggested incompatible uses. OHV use has not displaced other legitimate park uses. Evidence of illegal drug and hunting activity on previously unused Park ground was discovered when trails were being developed. No such activity has been observed since the OHV trails opened.

Non-motorized use of the OHV trail has developed by Mountain Bike riders and hikers since the OHV trail was established. Primitive campsites along the trails may soon be available. Encounters between motorized and non-motorized users on the trail are very infrequent and very brief with current use levels. OHV's are audible on any given section of the trail for only a few minutes as they pass through. Those brief encounters do not pose significant compatibility or safety problems for the users. Non-motorized users can hear an OHV approach and yield the trail. OHV's are present on any given section of trail for only a few minutes per week or per day.

In nearly 3 1/2 years of use, there have been no injuries to any person requiring professional treatment.

Before the development of the existing OHV trail, several unauthorized paths existed in several areas of the Park adjacent to private land. The lake's dam had paths worn on it by regular unauthorized use. Since the establishment of the authorized trail system such unauthorized use has been virtually eliminated. The paths previously worn into the dam have grown over and adjacent private property shows dramatically reduced usage.

The current length of the trail is approximately 20 miles. As it is designed, a ride of the entire trail system is approximately 30 miles in length. The desired average day's experience for OHV riders is 20 – 30 miles. Most land management agencies have recognized that successful management of the recreation is achieved by providing at least the average desired day's experience. Providing less trail increases impacts on any given section of trail, reduces recreational diversity, and leads to unsatisfied recreational experiences — all of which reduce the chances of successful management.

A map of the trail indicates its location within the Park. The topography is difficult with numerous 30% and 40% slopes and narrow hollows. The severe topography is not conducive to non-motorized use by the vast majority of people. The severe topography and the need to provide buffer areas to other use areas, has necessitated a trail design that has a high degree of difficulty. The trail is designed for the majority of OHV riders, who possess at least an average level of skill. One section of trail approximately 2 miles in length originating from the trailhead at Oak Ridge and continuing north is of lesser difficulty and can accommodate use by young or beginning riders.

The trail system is marked by signs indicating different trail segments, mileage markers and the location of bridges, along with other informational signs. Signage at the trailhead contains information on rules and policies. All labor and material in the trail's development was contributed by the WVOHVA at no cost to the Park.

Environmental Effects and Issues

Soil: Impact to soil is limited to the trail tread itself. The tread width used averages 5 – 7 feet in width. The soil becomes compacted with trail use and stabilizes. Forces of wheeled OHV's create contours in sharper turns and dips that stabilize and do not pose problems. Areas of poor drainage of the trail surface are hardened with gravel and stone. Those are normal and accepted practices in trail management.

Soil erosion and surface water drainage are controlled by varying the contour and grade of the trail tread. Additional controls on steeper grades are achieved by rubber flapper-boards and cross-logs that positively divert surface water, an accepted practice by the U.S. Forest Service. As drainage patterns change, additional such devices are placed in problem areas.

Water: The OHV trail is located in the following areas of the Park's watershed:

- 1) the upper portion of Mudlick Run north of Shelter #3.
- 2) an unnamed tributary behind the softball field.
- 3) an unnamed tributary that enters Mudlick Run from the south between Shelter #1 and the Administration Building.
- 4) an unnamed tributary opposite Abraxas School.
- 5) an unnamed tributary that enters the lake behind the sewer treatment plant.
- 6) Robert's Run that enters the lake opposite the sewer treatment plant.
- 7) Walker Creek below the lake's outlet.

The portion of trail in area #1 runs parallel to Mudlick for a distance of several hundred yards. The

trail location maintains adequate filter strip location from the stream along its length, except in 3 short segments where the trail follows an old road bed. In those short segments stone and log turn-pike are employed as additional protection measures. The trail crosses Mudlick at 3 bridged crossings and 3 rock-enforced ford crossings. This segment of Mudlick has no significant sediment loading and runs very clear even in heavy rains.

The trail in areas #2, #4, #5, #6 cross each tributary once each at bridged crossings. The trail in area #3 does not cross the tributary. All of the above tributaries have no significant sediment loading and run very clear even in heavy rains.

The trail in area #7 crosses the tributary once, a bridge is to be installed. This tributary is below the lake's watershed.

The OHV trail is not a significant contributor of sediment or pollutants to the watershed. Monitoring is ongoing and any problems that develop can be easily mitigated. Natural streambank erosion throughout the watershed is infinitely more significant than sediment from the trail. Wildlife: The moderate and infrequent use of the OHV trail poses no significant disturbance to wildlife. Populations of deer, turkey, songbirds, and small mammals are unaffected. Increased sightings of all species have occurred since 1990. Several scientific studies have been performed on effects of OHV's trail systems on several different species that show OHV's don't adversely affect wildlife. Studies on deer and elk show OHV's less a disturbance than humans walking.

Trees: The OHV trail winds through existing stands of trees. No large trees were removed in the trail's development. Brush less than 4" in diameter was removed with Park permission. Some roots from adjacent trees are partially exposed along the trails as would occur with any trail. No adverse effect to the trees result.

The ad hoc committee recognizes that substantial improvements to the trail are required in order for the trail to be in the physical condition to be most effectively utilized by the public and to minimize any damage to the surrounding environment. Therefore the ad hoc committee recommends:

- 1) the commission set improvements to the trail as a top priority.
- 2) the Commission continue the ad hoc committee to develop a long term physical plan for trail improvements, prioritize physical improvements of the trail and explore outside funding sources for trail improvements.

Legal/Organizational Issues

The trail is currently used and operated under a license agreement between the Park and the WVOHVA. In addition to that agreement there have been verbal understandings between previous members of the Park Commission and WVOHVA in interpreting the agreement that include:

- 1) WVOHVA is to maintain the entire Oak Ridge area at their own expense even though less area is specified in the agreement.
- 2) use of motorized vehicles on the trail are limited to members of WVOHVA and their guests.
- 3) the term OHV includes ATV's, motorcycles and snowmobiles as defined in WVOHVA bylaws. Use of the trail by motorcycles has been normal and accepted practice since the

- inception of the agreement.
- 4) removal of brush and small trees under 4" (also considered brush) could be accomplished at WVOHVA discretion.
 - 5) WVOHVA will perform management and operations employing Best Management Practices.

WVOHVA has performed their obligations under the written and verbal agreements in good faith. WVOHVA has performed much more work than would be required under the license agreement, and opened remote areas otherwise unused for many other public uses.

The license agreement does not preclude use of the trail, or any Park area, by the general public.

The area of the Park covered by the agreement was expanded by Commission action in December, 1990.

The license agreement is effective and in full force until May 11, 1994.

The Park's general liability policy covers any claim against the Commission arising from the use of trails. The Park is under no greater exposure than with other covered authorized and unauthorized activity. Volcano Road is a State right-of-way for which the Commission has no ownership interest. The maintenance of crossing approach is the responsibility of WVOHVA per their permits. WVOHVA currently carries a separate liability policy in the amount of a half million dollars that names the Park as an additionally insured.

Although no official concern has been expressed, portions of any trail (or other land use) that lie on land purchased by LWCF grants may need approval by the grant's administrators. Grant administrators indicate that OHV recreation is a legitimate recreational use under LWCF regulations. Grant administrators prefer any necessary review be done after the current White Oak Village matter is resolved.

Management Issues

The trail was located to conform to acceptable noise levels with OHV's at a sound level of 99dbA (using SAE standard test JUN1287, 20"). OHV sound levels are tested using a decibel meter. WVOHVA rules currently prohibit OHV's emitting in excess of 99dbA using the above test. U.S. Forest Service sound regulations currently use the above standard.

Two-way traffic is permitted on the trail. The U.S. Forest Service recognizes the two-way method as safest in that it tends to reduce aggressive riding and also promotes more even trail tread wear.

Riders under 16 years old are currently required to be under constant, direct adult supervision.

Helmets are currently required.

The trail accommodates ATV's and motorcycles, as well as non-motorized uses. The trail does not accommodate larger vehicles such as jeeps, dune buggies, or amphibious vehicles.

Trail maintenance is ongoing and includes:

- cleaning ditches, culverts and diverters.
- placing rock or stone in areas of poor drainage, ditches and ford crossings.
- additional placement of diverters as needed on grades to control surface water.
- removal of trees that fall across the trail.

Trail improvements planned include installation of 1-3 additional bridges. Some surface grading or trail relocations are normally expected to become necessary on short sections of trail over longer periods.

Recommendations

That the Mountwood OHV Trail be open to the general public for OHV* use, mountain-biking and hiking beginning May 12, 1994.

That the Oak Ridge area be open to the public and operated according to normally accepted management methods.

That the license agreement with WVOHVA remain effective until May 11, 1994.

That the Park require permits of OHV users as follows:

- | | |
|--------------------------|-----------|
| 1) 1 day permit | \$3.00 |
| 2) Weekend permit | \$5.00 |
| 3) Monthly permit | \$10.00 |
| 4) Annual permit | \$50.00 |
| 6) Monthly Family permit | \$15.00** |
| 6) Annual Family permit | \$75.00** |

That the Park require OHV permit applicants to declare at least one year's operating experience and a high skill level or show proof of completion of approved training course or skills test as a condition of obtaining a permit. In the case of a minor, their parent or guardian must verify the declaration.

That the Park require permits to be displayed while traveling in the Park on an OHV or mountain bike.

That the Director shall develop forms and decals for use in the permitting process and make the application available at area Mountain Bike and OHV dealers, the Park Office, and Park Marina.

*OHV – defined as an ATV, Off-Road Motorcycle, or Snowmobile, all 50" or less in width, weighing 600 lbs. or less and having a seat designed to be straddled, and as defined in WV law Chapter 17.

**Family Permit – applicable only to two adults and children under 18 years old living in the same dwelling.

That the Park enter a Memorandum of Understanding with WVOHVA to:

- a) provide volunteer trail maintenance support.
- b) provide volunteer safety and use monitoring
- c) provide consultation and education opportunities on trail management and operations.

That the Memorandum of Understanding shall become effective immediately and shall supersede the license agreement upon the expiration of the license agreement.

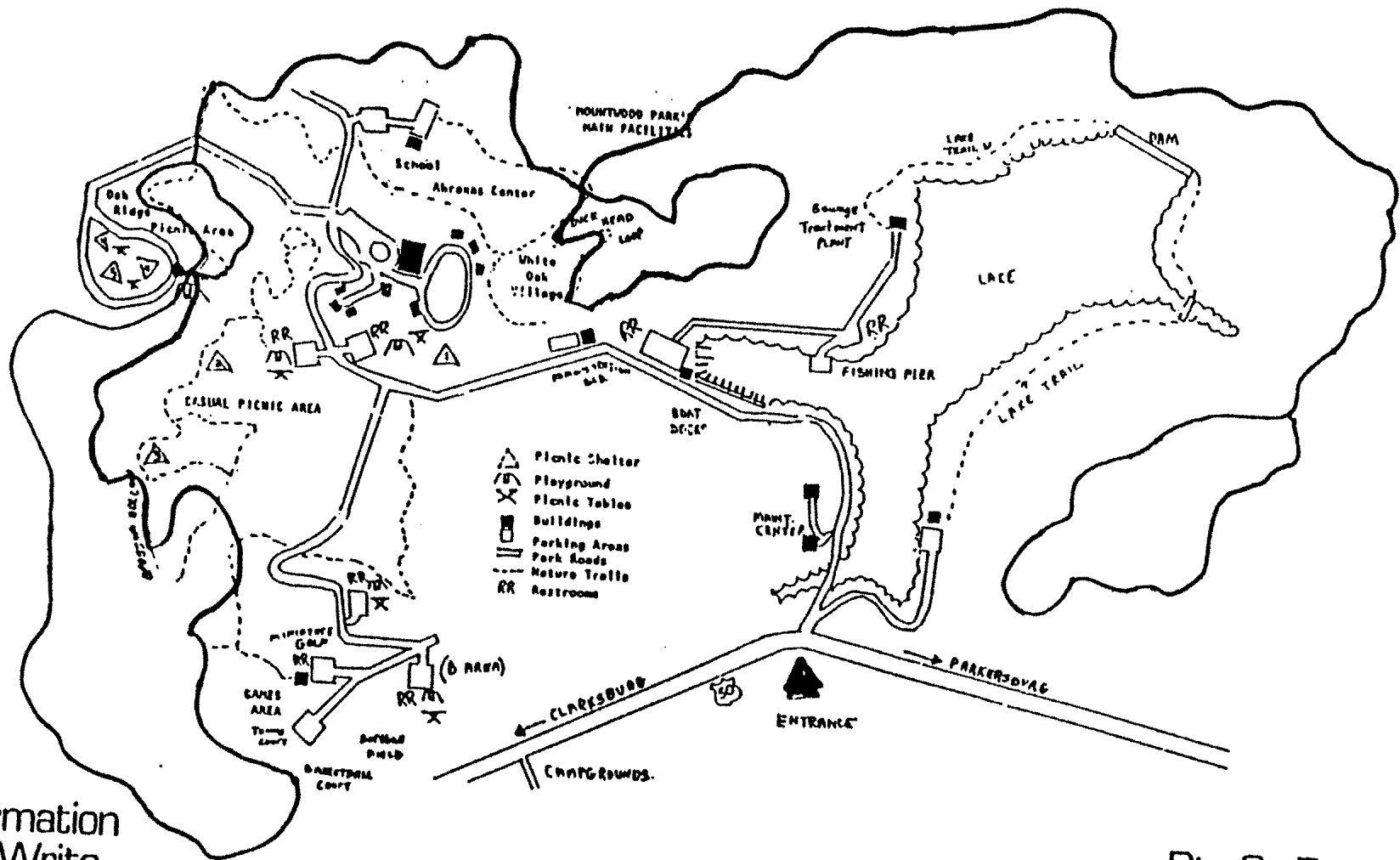
That the Park's Executive Director shall have primary responsibility including establishing and enforcing rules and regulations as in any Park activity. The Director may expend funds generated by the Use Permits to promote, operate and maintain the trail subject to established purchasing procedures. The Director shall have the authority to temporarily close any part of the trail or relocate trail sections to achieve effective management. The Director shall have the authority to deny or revoke a Use permit of any person who has repeatedly violated operating rules or who cannot show reasonable competence and judgement in using the trail. The Director may recognize training courses or skills tests administrated by recognized private organizations as proof of proficiency in permit applicants.

That the following rules be adopted and entered in the Order Book of the County Commission, thereby giving them the effect of law as provided in WV Law Chapter 7-11-35:


- 1) No person shall operate an OHV off of a designated trail within the Park. Violation shall carry a penalty of a \$100 fine.
- 2) No person shall operate an OHV or Mountain Bike while intoxicated. Violation shall carry a penalty of a \$100 fine.
- 3) Department of Transportation approved helmets and eye protection shall be worn while operating an OHV. ANSI or SNELL approved helmets and eye protection must be worn while operating a Mountain Bike. Violation shall carry a penalty of a \$50 fine.
- 4) An OHV operated within the Park shall not exceed an exhaust sound level of 96dbA as measured by SAE test JUN1287. Violation shall carry a penalty of a \$50 fine.
- 5) No person shall operate any vehicle other than an ATV, Off-Highway Motorcycle, Snowmobile, or Mountain Bike on the designated OHV trail other than maintenance vehicles. Violations shall carry a penalty of a \$100 fine.
- 6) No person shall operate any vehicle on the OHV Trail without the required permit, except those specifically exempted by the Park, properly displayed. Violations shall carry a penalty of a \$50 fine.
- 7) No parent or guardian shall permit a person under the age of 16 to operate an OHV on the Park unless that person is under their direct, constant supervision. Violation shall carry a penalty of a \$50 fine.

- 8) No person shall operate an OHV or a Mountain Bike in a reckless manner that endangers others. Violation shall carry a penalty of a \$100 fine.
- 9) No person shall exceed the manufacturers' recommended loading capacity on an OHV. Violation shall carry a penalty of a \$25 fine.
- 10) Non-motorized trail users shall yield the trail to any approaching OHV. OHV operators shall reduce speed to 10 mph when passing non-motorized trail users. Violation shall carry a penalty of a \$25 fine.

Mountwood Park



For Information
Call or Write
1-304-679-3611

MOUNTWOOD OHV TRAIL = 
(not to scale, distance greater than shown)

Rt. 2, Box 56
Waverly, WV
26184

Memorandum of Understanding

This Memorandum of Understanding is entered into this day _____, 1994, between the Wood County Parks and REcreation Commission, hereinafter referred to as the Park, and the Little Kanawha Chapter of the West Virginia Off Highway Vehicle Association, hereinafter referred to as the Club.

The Club shall assist and support the Park in the management and operation of the Mountwood OHV Trail.

The Club shall assist the Park and its staff by providing reference materials, information, and educational opportunities on OHV recreation management through its contacts with other professional public land management agencies and organizations experienced in the field.

The Club shall support the Park in maintenance and improvements on the OHV trail and related facilities by providing a pool of experienced volunteer labor. The Club shall establish a committee of its members who commit to regular volunteer participation in scheduled work projects and generally will work individually on an unscheduled basis to perform minor improvements or maintenance as the need is identified. The committee will be known as the Trail Crew and its membership designated by the Club President and limited to 30 individuals.

The Club shall assist the Park by administering a skills test to permit applicants not otherwise qualified to receive a permit. The skills tests shall be administered at least once a month and shall include an actual demonstration of operating skill by the applicant. The Club shall charge not more than \$3.00 per participant for the skills test to cover the Club's costs in such activities. The Club shall establish a committee of its members who commit to skills test administration, and regular monitoring of trail use to increase compliance with responsible riding practices. The committee will be known as the Safety and Education Team and its membership designated by the Club President and limited to 12 individuals.

The Club shall require that all such designated individual members of the above committees regularly perform volunteer work and shall supply a list of those individuals to the Park.

The Club shall from time to time perform fund raising activities to assist in financing identified trail improvement projects.

The Park shall exempt individuals designated as members of the above committees from the requirement for permits and shall issue those individuals a sticker to be displayed identifying such exemption.

The Park may authorize the Club to conduct events using Park facilities subject to availability of the facilities and the approval of the Director.

It is agreed and mutually understood that the purpose of this agreement is to establish a framework upon which mutually beneficial programs, work projects, or activities may be planned and accomplished by the Park and the Club and such programs and activities shall complement the Mission of the Park and be in the best interests of the public.

In carrying out the terms of this agreement, there shall be no discrimination against any person because of race, color, creed, sex or national origin.

This Memorandum shall remain in effect until terminated, following 30 day written notice by either party.

In Witness Whereof, the parties have executed this Memorandum by their representative:

For the Wood County Parks and Recreation Commission

by _____ its _____ / 194

For the Little Kanawha Chapter of WVOHVA

by _____ its _____ / 194