

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION
Form #5

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OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: DCL&ER, Division of Natural Resources

TITLE NUMBER: 47

CITE AUTHORITY §§ 20-1-7(30) and 29A-1-3(c)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW § 29A-1-3(c)

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 13B

TITLE OF RULE BEING PROPOSED: Special Waterfowl Hunting Areas

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE
DATE OF THE RULE IS: September 4, 1992


J. Edward Hamrick III, Director
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Special Waterfowl Hunting Areas, 47 C.S.R. 13B

Type of Rule: EXEMPT Legislative ___ Interpretive ___ Procedural

Agency: Division of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$				
Personal Services	\$				
Current Expenses	\$				
Repairs & Alterations	\$	No Change			
Equipment	\$				
Other	\$				

2. Explanation of above estimates: There is no change anticipated to administrative expenses as a result of this rule.

3. Objectives of this rule: This legislative exempt regulation establishes provisions for hunting waterfowl on specified areas of this State.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government. No impact.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact

C. Economic Impact on Citizens/ Public at Large. No impact.

Date: July 27, 1992

Signature of Agency Head or Authorized Representative

Director, Division of Natural Resources

PREAMBLE TO A PROPOSED EXEMPT RULE
CONCERNING
WATERFOWL HUNTING REGULATIONS

AGENCY: Department of Commerce, Labor, and Environmental
Resources; Division of Natural Resources.

REGULATION: Title 47, Series 13B, "Special Waterfowl Hunting
Areas."

ACTION: Filing of a new legislative exempt rule.

SUMMARY: This legislative exempt regulation establishes
provisions for hunting waterfowl on specified areas
of this State.

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 13B
SPECIAL WATERFOWL HUNTING AREAS
(EXEMPT RULE)

§ 47-13B-1. General.

1.1. Scope and Purpose. -- This regulation establishes provisions for hunting waterfowl in specified areas of this State.

1.2. Authority. -- West Virginia Code §20-1-7(30).

1.3. Filing Date. -- September 4, 1992

1.4. Effective Date. -- September 4, 1992

§ 47-13B-2. Definitions.

2.1. All terms shall have the meaning prescribed in the Code of State Regulations, Title 47 Series 13A "Special Waterfowl Hunting Regulations" (47 C.S.R. 13A).

§ 47-13B-3. McClintic Wildlife Management Area.

3.1. The provisions of the Code of State Regulations, Title 47 Series 13 and 13A are in effect at the McClintic Wildlife Management Area, except as provided in Sections 3.2 and 3.3 of these regulations.

3.2. Seasons for Canada geese, snow geese, and blue geese in the McClintic Wildlife Management Area are closed until October 3, 1992.

3.3. Hunting in the controlled waterfowl hunting area is restricted to waterfowl hunting from State-controlled blinds during the period commencing on October 3, 1992 and ending on October 10, 1992 even if other hunting seasons run concurrently. The controlled waterfowl hunting area is marked by signs and includes Ponds #3, #6, #7, #8, #9, #11, #17, #18, #19, #36, #39, and #40.

3.4. Shooting hours in the controlled waterfowl hunting area are from thirty (30) minutes before sunrise until noon during the period commencing on October 3, 1992 and ending on October 10, 1992.

3.5. All hunting in the controlled waterfowl hunting area is by permit only during the period commencing on October 3, 1992 and ending on October 10, 1992.

3.5.1. Applications for controlled area hunting permits must be received at the DNR Point Pleasant Office, Route 1, Box 484, Point Pleasant, West Virginia 25550, by September 11, 1992.

3.5.2. Letters of notification granting controlled area hunting permits will be sent to successful applicants.

3.5.3. Controlled area hunting permits are not transferable.

3.5.4. Hunters with valid controlled area hunting permits must report to the McClintic WMA Office prior to six o'clock antemeridian (6:00 a.m.) on the morning of the hunt. Failure to report by that time forfeits the hunter's reservation and the reserved blind will then be filled on a first-come, first-served basis.

3.5.5. Hunters must present the day's bag for inspection and return their controlled area hunting permits to the McClintic WMA Office prior to one o'clock postmeridian (1:00 p.m.) on the day of the hunt.

3.5.6. Hunters in the controlled area who violate the provisions of these regulations or conduct themselves in an unsportsmanlike manner at the McClintic Wildlife Management Area will not receive any further permits.

3.6. All hunters in the controlled waterfowl hunting area during the period commencing on October 3, 1992 and ending on October 10, 1992 must obey the following rules:

3.6.1. Hunters in the controlled area are restricted to fifteen (15) shells per hunter per day per hunt and must have a valid controlled hunting permit in possession while hunting in the controlled area.

3.6.2. Guns must be cased and unloaded except when in the blind area.

3.6.3. Alcoholic beverages are prohibited in the blind area.

3.6.4. Dogs must be kept on a leash except when in the blind area.

3.6.5. Hunters may not travel more than seventy-five (75) yards from the blind in pursuit of cripples.

§ 47-13B-4. Green Bottom Wildlife Management Area.

4.1. The provisions of the Code of State Regulations, Title 47

Series 13 and 13A are in effect at the Green Bottom Wildlife Management Area, except as provided in Section 4.2 through 4.4 of these regulations.

4.2. Seasons for Canada geese, snow geese, and blue geese are closed until October 3, 1992.

4.3. Shooting hours for waterfowl are from thirty (30) minutes before sunrise until noon during the period commencing on October 3, 1992 and ending on October 10, 1992.

4.4. Waterfowl hunting is by permit only.

4.4.1. A permit shall be obtained at the Green Bottom Wildlife Management Area Headquarters prior to each day's hunt. Permits will be issued between the hours of five o'clock and seven o'clock antemeridian (5:00 a.m. through 7:00 a.m.) during the open waterfowl seasons.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

TO: Jim Ruckel

AGENCY: Dept. of Natural Resources

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: December 29, 1992

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 13B TITLE: 47 Dept. of Natural Resources

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

✓ * THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Jim Ruckel

TITLE OF PERSON SIGNING: Asst. Chief - Gen.

DATE: 1/11/93

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.