

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Department of Commerce, Labor
and Environmental Resources

AGENCY: Division of Natural Resources TITLE NUMBER: 47

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO XX

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 14A

TITLE OF RULE BEING PROPOSED: "Special Regulations for Waterfowl
Hunting Areas"

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH
ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS
COMMENT PERIOD WILL END ON November 18, 1991 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING
ADDRESS.

DNR Rule Comments
State Capitol Complex
Building 3, Room 712
Charleston, West Virginia 25305

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.


J. Edward Hamrick III
Director

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

Rule Title: "Special Waterfowl Hunting Regulations"

Type of Rule: XX Legislative Interpretive Procedural

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

Address: Building 3, State Capitol Complex, Charleston, West
Virginia 25305

1. Effect of Proposed Rule	Increase \$	ANNUAL		Current \$	FISCAL YEAR	
		Decrease \$			Next \$	Thereafter \$
Personal Services						
Current Expense						
Repairs and Alterations						
Equipment						
Other						

NO CHANGE

2. Explanation of Above Estimates: This rule adopts provisions currently in effect under an exemption from legislative review. The Division feels it necessary for these provisions to be legislatively approved, therefore, is resubmitting these rules to be subject to Legislative review. No new administrative expenditures are anticipated.

3. Objectives of These Rules: The objectives of this rule are to provide for the safe hunting and proper management of waterfowl within the boundaries of this State.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: No Impact.

B. 1. Economic Impact on Political Subdivisions: No Impact.

2. Economic Impact on Specific Industries: No Impact.

3. Economic Impact on Specific Groups of Citizens: No Impact.

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

PREAMBLE TO A PROPOSED RULE CONCERNING
SPECIAL WATERFOWL HUNTING AREAS

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

REGULATIONS: Title 47, Series 14A, "Special Waterfowl Hunting Areas"

AUTHORITY: West Virginia Code §20-1-7(30).

ACTION: Filing Notice of a Thirty-Day Comment Period on Proposed Regulations.

SUMMARY: These regulations propose provisions currently incorporated into exempted regulations. The Division feels it necessary to seek legislative approval for provisions not exempted under West Virginia Code §29A-1-3(c). The comment period will end on November 18, 1991 at 4:30 p.m.

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

SERIES 14A
SPECIAL REGULATIONS FOR WATERFOWL HUNTING AREAS

§47-14A-1. General.

1.1. Scope and Purpose. -- These regulations establish provisions for hunting waterfowl in specified areas of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§47-14A-2. Definitions.

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

§47-14A-3. McClintic Wildlife Management Area.

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

3.2. All hunters in the controlled waterfowl hunting area during the early waterfowl season must obey the following rules:

3.2.1. Hunters with 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.

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

3.2.3. Hunters in the controlled area who violate the provisions of these regulations or conduct themselves in an unsportsmanlike manner will not receive any further permits.

3.2.4. 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.

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

3.2.6. Alcoholic beverages are prohibited in the blind area.

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

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

3.3. The following rules concerning the issuance of hunting permits are in effect at McClintic Wildlife Management Area.

3.3.1. 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 the date announced annually by the director.

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

3.3.3. Controlled area hunting permits are not transferable.

\$47-14A-4. Green Bottom Wildlife Management Area.

4.1. The provisions of Title 47 Series 13 and 13A are in effect at the Green Bottom Wildlife Management Area, except as provided in Sections 4.1.1. through 4.1.3. of these regulations.

4.1.1. Waterfowl hunting is by permit only.

4.1.2. A permit must be obtained at the Green Bottom Wildlife Management Area Headquarters prior to each day's hunt.

4.1.3. 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.

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MEMORANDUM OF CONSENT

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

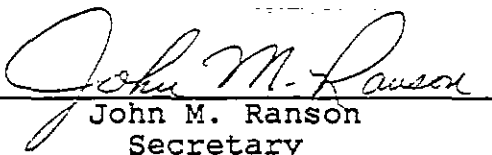
MEMORANDUM TO: J. Edward Hamrick III, Director
Division of Natural Resources

FROM: John M. Ranson, Secretary
Department of Commerce, Labor,
and Environmental Resources

SUBJECT: Consent to File Agency Proposed Regulations

The following regulations concerning hunting, trapping, and fishing have my approval to be proposed pursuant to the Administrative Procedures Act set forth under Chapter 29A of the West Virginia Code [W. Va. Code §29A et seq.].

<u>Title</u>	<u>Series</u>	<u>Name</u>
47	11A	Terms To Be Used Concerning All Hunting and Trapping Regulations.
47	11B	Prohibitions When Hunting and Trapping.
47	11C	Special Bear Hunting Regulations.
47	11D	General Hunting Regulations.
47	11E	Deer Hunting Regulations.
47	11F	Wild Turkey Hunting Regulations.
47	11G	Wild Boar Hunting Regulations.
47	11H	General Trapping Regulations.
47	11I	Dog Training Regulations.
47	12A	Special Migratory Bird Hunting Regulations.
47	13A	Special Waterfowl Hunting Regulations.
47	14A	Special Regulations for Waterfowl Hunting Areas.
47	21	Special Fishing Regulations.


John M. Ranson
Secretary

12/3/91
Date

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DEC - 4 1991

DEPT. OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR