

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**  
Form #4

Do Not Mark In This Box

**FILED**

Dec 8 10 49 AM '92

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY § 20-1-7(30) and 20-3-2

AMENDMENT TO AN EXISTING RULE: YES X NO     

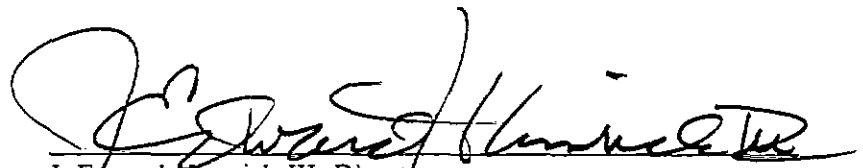
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: West Virginia Public-Hunting-and-Fishing  
Wildlife Management Areas

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:                     

TITLE OF RULE BEING PROPOSED:                                     

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE-MAKING  
REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH  
THE SECRETARY OF STATE.

  
J. Edward Hamrick III, Director  
Division of Natural Resources

TITLE 47  
LEGISLATIVE RULES  
DEPARTMENT DIVISION OF NATURAL RESOURCES

SERIES 6

~~WEST VIRGINIA PUBLIC HUNTING AND FISHING~~ WILDLIFE MANAGEMENT AREAS

§47-6-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes regulations to govern public use of West Virginia ~~public hunting and fishing~~ wildlife management areas.

1.2. Authority. -- W. Va. Code §§20-1-7(30) and 20-3-2.

1.3. Filing Date. -- March 29, 1990

1.4. Effective Date. -- May 1, 1990

§47-6-2. Definitions.

2.1. "All-Terrain Vehicle" or "ATV" means any motordriven vehicle specifically designed for off-road recreational activities that is not subject to vehicle registration requirements established under the provisions of Chapter 17A of the West Virginia Code.

2.2. ~~"Department"~~ "Division" means the West Virginia ~~Department~~ "Division" of Natural Resources.

2.3. ~~"Public Hunting and Fishing~~ "Wildlife Management Area" any public access areas, public hunting areas, public fishing areas, public hunting and fishing areas, public shooting grounds, or public shooting ranges administered by the ~~Department~~ "Division". For the purpose of this regulations the term ~~"public hunting and fishing wildlife management area"~~ shall also includes the West Virginia State Wildlife Center at French Creek.

2.4. "Public Shooting Range" means any range on a property owned or administered by the ~~Department~~ Division which is open to the general public for the practice of archery, pistolry, riflery, trapshooting (skeet), or a combination of such sports.

2.5. All other terms have the meaning prescribed to them in The Regulations Defining the Terms To Be Used Concerning All Hunting and Trapping Regulations (47 C.S.R. 11A).

§47-6-3. General Regulations.

3.1. Abandoned Property. The ~~Department~~ Division assumes no responsibility for watercraft or other personal property used on a ~~public hunting and fishing~~ wildlife management area. If such property is abandoned or left unattended for a period in excess of forty-eight (48) hours, the ~~Department~~ Division may remove and

dispose of ~~such~~ the property in accordance with applicable provisions of the West Virginia Code.

3.2. Camping. Tent and trailer camping on ~~public hunting and fishing wildlife management~~ areas is permitted in designated areas only. Any person who occupies a campsite for which there is a rental fee must pay that fee upon entering the ~~public hunting and fishing wildlife management~~ area.

3.3. Fires. Fires are permitted on ~~public hunting and fishing wildlife management~~ areas only in fireplaces, fire rings, or grates which have been provided by the State or in areas designated by the ~~Department Division~~. Fires must be completely extinguished before a person leaves the site of the fire.

3.4. Livestock Grazing. It is illegal to graze livestock on a ~~public hunting and fishing wildlife management~~ area without first obtaining a special use permit from the ~~Department Division~~.

3.5. Noises and Disturbances. Loud or excessive noise, disorderly conduct, or other disturbances are prohibited on ~~public hunting and fishing wildlife management~~ areas.

3.6. Property Damage. It is illegal to cut, damage, deface, or destroy any building, rock, shrub, sign, tree, or other property on a ~~public hunting and fishing wildlife management~~ area.

3.7. Removal of Objects. It is illegal to remove any man-made or natural object from a ~~public hunting and fishing wildlife management~~ area, except game legally taken during the open seasons prescribed under 47 C.S.R. 11, 12, and 20. Objects which may not be removed included, but are not limited to, animals, plants, rocks and minerals, sand, and historical or archaeological artifacts.

3.8. Vehicles in ~~Public Hunting and Fishing Wildlife Management~~ Areas.

3.8.1. The maximum speed limit for vehicles is thirty (30) miles per hour, unless a lower speed limit is posted. All traffic signs and directions must be observed.

3.8.2. The driving of any vehicle in a manner which creates a nuisance to other persons by repetitive or continuous cruising is prohibited.

3.8.3. The use of all-terrain vehicles (ATVs) and snowmobiles is prohibited except where specifically permitted by posted signs on designated roads and trails.

3.8.4. The driving of any vehicle, ATV, or snowmobile in a manner so as to harass, chase, or annoy any animal or bird is prohibited.

3.9. Tree Stands. Only portable tree stands may be used on public lands.

**\$47-6-4. Special Regulations.**

4.1. ~~Stonecoal Public Hunting and Fishing Wildlife Management~~ Area. No person may create a shoreline development of any kind on the lands and waters under the administrative control of the ~~Department Division~~ within the boundaries of the Stonecoal Public ~~Hunting and Fishing Wildlife Management~~ Area.

4.2. West Virginia State Wildlife Center at French Creek. Alcoholic beverages are prohibited within the boundaries of the West Virginia State Wildlife Center.

**\$47-6-5. Department of Commerce Facilities.**

5.1. The regulations found in 144 C.S.R. 1 are in effect for those recreational facilities and areas administered by the West Virginia Department of Commerce in the following ~~public hunting and fishing wildlife management~~ areas:

- 5.1.1. Berwind Lake (McDowell County).
- 5.1.2. Big Ditch (Webster County).
- 5.1.3. Bluestone Lake (Mercer and Summers Counties).
- 5.1.4. Laurel Lake (Mingo County).
- 5.1.5. Moncove Lake (Monroe County).
- 5.1.6. Pleasant Creek (Barbour and Taylor Counties).
- 5.1.7. Plum Orchard Lake (Fayette County).
- 5.1.8. Teter Creek Lake (Barbour County).

**\$47-6-6. Public Shooting Ranges.**

6.1. Hours of Operation. Hours of operation will be posted at the entrance to each public shooting range and no person may utilize the range except during the posted hours. The range may be temporarily closed at the discretion of the responsible district game biologist or area manager.

6.2. Range Safety. Each shooter utilizing a public shooting range must observe all posted range safety rules. The firing line shall be defined as the line directly in front of and parallel to the shooting benches.

6.2.1. All firearms must be unloaded and firearm handling must cease while any person is forward of the firing line. The firing line shall be defined as the line directly in front of and parallel to the shooting benches.

6.2.2. No person may move forward of the firing line until all firing has ceased and all firearms have been unloaded and placed on the shooting benches.

6.2.3. Firearms must be pointed downrange at all times.

#### 6.3. Shooting Range Targets.

6.3.1. Glass or metal containers may not be used as targets on any public shooting range.

6.3.2. After use, targets or silhouettes must be removed from the range by the shooter or disposed of in containers provided at the range.

#### 6.4. Other Prohibitions.

6.4.1. Alcoholic beverages are prohibited within the boundaries of all public shooting ranges.

6.4.2. No person may handle a weapon at a public shooting range while under the influence of alcohol, a controlled substance or other drug, or while under the combined influence of alcohol and a controlled substance or other drug.



FILED

WEST VIRGINIA LEGISLATURE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Room M-152, State Capitol  
Charleston, West Virginia 25305  
(304) 340-3286

Nov 25 2 39 PM '92

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Senator William R. Wooton, Co-Chair  
Delegate David Grubb, Co-Chair

Debra A. Graham, Counsel  
~~Michael McThomas, Associate Counsel~~  
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

November 9, 1992

TO: Ken Hechler, Secretary of State, State Register

TO: J. Edward Hamrick, Director  
Division of Natural Resources  
Building 3, State Capitol Complex  
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: West Virginia Wildlife Management Areas

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed
  - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Jim Ruckel