



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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8/16/2016 12:44:24 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY Natural Resources

RULE TYPE Legislative Exempt **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-59

RULE NAME Special Waterfowl and Migratory Bird Hunting Areas

CITE AUTHORITY W. Va. Code §§20-1-7(30).

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§20-1-7(30).

**THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE
EFFECTIVE DATE OF THIS RULE IS**

Thursday, September 01, 2016

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 58-59



Rule Id: 10271



Document: 28809

TITLE 58
LEGISLATIVE EXEMPT RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 59
SPECIAL WATERFOWL AND MIGRATORY BIRD HUNTING AREAS

§58-59-1. General.

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

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

1.3. Filing Date. -- August 16, 2016

1.4. Effective Date. -- September 1, 2016.

§58-59-2. Definitions.

2.1. All terms shall have the meaning prescribed in the Code of State Rules, Title 58 Series 56 "Special Migratory Bird Hunting" (58CSR56) and Title 58 Series 58 "Special Waterfowl Hunting" (58CSR58).

§58-59-3. McClintic Wildlife Management Area.

3.1. The provisions of the Code of State Rules, Title 58 Series 57 (58CSR57) and Title 58 Series 58 (58CSR58) are in effect at the McClintic Wildlife Management Area, except as provided in Sections 3.2 through 3.5 of these regulations.

3.2. Hunting in the controlled waterfowl hunting area is restricted to waterfowl hunting from State-controlled blinds or shooting stations during the period commencing on October 1, 2016 and ending on October 8, 2016 even if other hunting seasons run concurrently. The controlled waterfowl hunting area is marked by signs and includes Ponds #2, #3, #4, #5 #6, #7, #8, #9, #11, #12, #13, #14, #16, #17, #18, #19, #20, #23, #36, #39, and #40.

3.3. Shooting and falconry hours in the controlled waterfowl hunting area are from thirty (30) minutes before sunrise until noon during the period commencing on October 1, 2016 and ending on October 8, 2016.

3.4. All hunting in the controlled waterfowl hunting area is by permit only during the period commencing on October 1, 2016 and ending on October 8, 2016.

3.4.a. Hunters must register in the new electronic license system and apply online at www.wvhunt.com. Electronic applications must be submitted by midnight, August 15, 2016 to be eligible for the permit lottery drawing.

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

3.4.c. Controlled area hunting permits are not transferable.

3.4.d. 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.

3.4.e. 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.

3.4.f. 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.

3.5. All hunters in the controlled waterfowl hunting area during the period commencing on October 1, 2016 and ending on October 8, 2016 must obey the following rules:

3.5.a. Hunters in the controlled area must have a valid controlled hunting permit in possession while hunting in the controlled area.

3.5.b. Guns must be cased and unloaded except when in the blind or shooting station area.

3.5.c. Alcoholic beverages are prohibited in the blind or shooting station area.

3.5.d. Dogs must be kept on a leash except when in the blind or shooting station area.

3.5.e. Hunters may not travel more than seventy-five (75) yards from the blind or shooting station in pursuit of crippled waterfowl.

§58-59-4. Green Bottom Wildlife Management Area.

4.1. The provisions of the Code of State Rules, Title 58 Series 57 (58CSR57) and Title 58 Series 58 (58CSR58) are in effect at the Green Bottom Wildlife Management Area, except as provided in Section 4.2 through 4.5 of these regulations.

4.2. Hunting on the Green Bottom WMA is restricted to waterfowl hunting only during the period commencing on October 1, 2016 and ending on October 8, 2016 even if other hunting seasons run concurrently.

4.3. Shooting and falconry hours for waterfowl are from thirty (30) minutes before sunrise until noon during the period commencing on October 1, 2016 and ending on October 8, 2016.

4.4. Waterfowl hunting on the Green Bottom WMA is by permit only during the period commencing on October 1, 2016 and ending on October 8, 2016.

4.4.a. 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 first two days of the open waterfowl season. During the remainder of the season, permits will be issued between the hours of six o'clock and seven o'clock antemeridian (6:00 a.m. through 7:00 a.m.).

4.4.b. Permits are not transferable.

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

4.4.d. Hunters who violate the provisions of these regulations or conduct themselves in an unsportsmanlike manner at the Green Bottom Wildlife Management Area will not receive any further permits.

4.5. All hunters on the Green Bottom Wildlife Management Area during the period commencing on October 1, 2016 and ending on October 8, 2016 must have a valid permit in possession while hunting on the area.

§58-59-5. Warden Lake Wildlife Management Area.

5.1. Waterfowl hunting is prohibited on Warden Lake Wildlife Management Area in accordance with deed restrictions.

§58-59-6. South Branch Wildlife Management Area.

6.1. The provisions of the Code of State Rules, Title 58 Series 55 (58CSR55) and Title 58 Series 56 (58CSR56) are in effect at the South Branch Wildlife Management Area, except as provided in Sections 6.2 through 6.5 of these regulations.

6.2. Hunting in the controlled mourning dove hunting area is restricted to dove hunting from State-controlled hunting posts during the period commencing on September 1, 2016 and ending on September 3, 2016 even if other hunting seasons run concurrently. The controlled dove hunting area is marked by signs and includes marked hunting posts.

6.3. Shooting hours in the controlled dove hunting area are from noon until sunset on September 1, 2016 and from thirty (30) minutes before sunrise until sunset during the remainder of the season.

6.4. All hunting in the controlled dove hunting area is by permit only during the period commencing on September 1, 2016 and ending on September 3, 2016.

6.4.a. Hunters may register in the new electronic license system and apply online at www.wvhunt.com or by contacting the DNR District II Office. Applications must be submitted by midnight, August 1, 2016 to be eligible for the permit lottery drawing.

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

6.4.c. Controlled area hunting permits are not transferable.

6.4.d. Hunters in controlled area who violate the provisions of these regulations or conduct themselves in an unsportsmanlike manner at the South Branch Wildlife Management Area will be ineligible to receive future permits.

6.5. All hunters in the controlled dove hunting area during the period commencing on September 1, 2016 and ending on September 3, 2016 must obey the following rules:

6.5.a. Permit holders in the controlled area must have a valid controlled hunting permit in their possession while hunting in the controlled area. The permit holder may be accompanied by two guests during the hunt who are also required to have a copy of the permit in their possession.

6.5.b. Guns must be cased and unloaded except when at assigned post.

6.5.c. Alcoholic beverages are prohibited at assigned posts.

6.5.d. Hunters must confine shooting to within 5 yards of assigned post.