



FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: West Virginia Public Hunting and Fishing Areas 1989 FEB 21 PM 3:28

Type of Rule:  Legislative  Interpretive  Procedural  
WEST VIRGINIA SECRETARY OF STATE

Agency: West Virginia Department of Natural Resources

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

1. Effect of Proposed Rule (Estimated Total Cost)	Increase \$	ANNUAL		FISCAL YEAR	
		Decrease \$	Current \$	Next \$	Thereafter \$

Personal Services

Current Expense

Repairs and Alterations

NO CHANGE

Equipment

Other

2. Explanation of Above Estimates:

The proposed rule amends existing regulations; no new administrative expenditures are anticipated.

3. Objectives of These Rules:

The proposed rule introduces regulations governing public conduct at shooting ranges owned or administered by the Department.

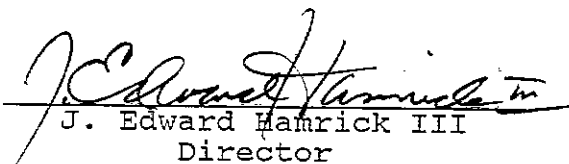
4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: NO IMPACT

B. Economic Impact on Political Subdivisions: NO IMPACT  
 Economic Impact on Specific Industries: NO IMPACT  
 Economic Impact on Specific Groups of Citizens: NO IMPACT

C. Economic Impact on Citizens/Public at Large: NO IMPACT

Date: February 21, 1989

  
 J. Edward Hamrick III  
 Director

PREAMBLE TO A PROPOSED AMENDMENT OF A LEGISLATIVE RULE  
CONCERNING WEST VIRGINIA PUBLIC HUNTING AND FISHING AREAS

**STATE AGENCY:** West Virginia Department of Natural Resources

**REGULATIONS:** Title 47, Series 6, "West Virginia Public  
Hunting and Fishing Areas"

**AUTHORITY:** W. Va. Code §§20-1-7(30) and 20-3-2

**ACTION:** Proposed Rule; Notice of Public Hearing

**DATES:** A public hearing on the proposed rule will be held on  
Monday, April 10, 1989 at 1:00 p.m. in Room 674, Building 3,  
State Capitol Complex, Charleston. Written comments will be  
received by the Department until 4:30 p.m. on that day.

**SUMMARY:** The Department is proposing to amend its  
legislative rule concerning public hunting and fishing areas.  
The principal revision made by this amendment is the  
introduction of regulations to govern public conduct at  
shooting ranges owned or administered by the Department.

FILED

TITLE 47  
LEGISLATIVE RULES  
DEPARTMENT OF NATURAL RESOURCES

1989 FEB 21 PM 3:29

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 6  
WEST VIRGINIA PUBLIC HUNTING AND FISHING 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 areas.

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

1.3. Filing Date. --

1.4. Effective Date. --

~~1.5. -- Repeal of Former Rules. -- This legislative rule repeals and replaces 47 C.S.R. 6 "Public Use of West Virginia State Parks, State Forests, and State Hunting and Fishing Areas" filed June 6, 1985 and effective June 6, 1985 and also repeals and replaces 47 C.S.R. 8 "Rules and Regulations Governing Shoreline Camping on Government-Owned Reservoir Areas in West Virginia" filed December 30, 1982 and effective January 1, 1983.~~

§47-6-2. Definitions.

2.1. "All-Terrain Vehicle" or "ATV" means any motor-driven 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" means the West Virginia Department of Natural Resources.

2.3. "Public Hunting and Fishing Area" means any public access area, public hunting area, public fishing area, public hunting and fishing area, or public shooting ground, or public shooting range administered by the Department. For the purpose of these regulations, the term "public hunting and fishing area" shall also include 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 which is open to the general public for the practice of archery,

pistolry, riflery, trapshooting (skeet), or a combination of such sports.

**§47-6-3. General Regulations.**

3.1. Abandoned Property. The Department assumes no responsibility for watercraft or other personal property used on a public hunting and fishing area. If such property is abandoned or left unattended for a period in excess of forty-eight (48) hours, the Department may remove and dispose of such property in accordance with applicable provisions of the West Virginia Code.

3.2. Camping. Tent and trailer camping on public hunting and fishing 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 area.

3.3. Fires. Fires are permitted on public hunting and fishing areas only in fireplaces, fire rings, or grates which have been provided by the State or in areas designated by the Department. 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 area without first obtaining a special use permit from the Department.

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

3.7. Removal of Objects. It is illegal to remove any man-made or natural object from a public hunting and fishing 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 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 or snowmobile in a manner so as to harass, chase, or annoy any animal or bird is prohibited.

#### §47-6-4. Special Regulations.

~~4-1- Beachtown--Fisherman--Access--Site--Alcoholic beverages--are--prohibited--within--the--boundaries--of--the Beachtown-Fisherman-Access-Site-~~

~~4-2-~~ 4.1. Stonecoal Public Hunting and Fishing Area. No person may create a shoreline development of any kind on the lands and waters under the administrative control of the Department within the boundaries of the Stonecoal Public Hunting and Fishing Area.

~~4-3-~~ 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 areas:

- 5.1.2. 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. A range safety sign will be posted at the entrance to the shooting area to enumerate, at a minimum, the following safety rules:

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 firearm 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.