

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

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FILED

APR 24 AM 11:10

DEPT OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Department of Natural Resources TITLE NUMBER: 47

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

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

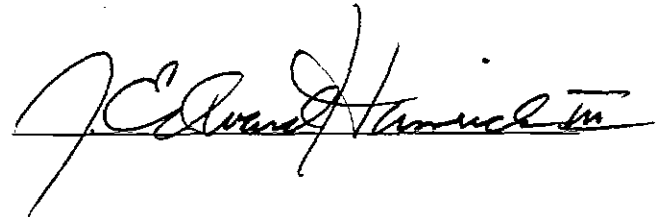
TITLE OF RULE BEING AMENDED: _____

West Virginia Public Hunting and Fishing Areas

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: West Virginia Public Hunting and Fishing Areas FEB 21 PM 3:30

Type of Rule: Legislative Interpretive Procedural

SECRET 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)	ANNUAL			FISCAL YEAR	
	Increase	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

DATE: April 24, 1989

FILED

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

1000 APR 24 AM 11:10

FROM: West Virginia Department of Natural Resources

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE RULE TITLE: West Virginia Public Hunting
and Fishing Areas

1. Authorizing statute(s) citation:

W. Va. Code §§20-1-7(30) and 20-3-2

2. a. Date filed in State Register with Notice of Hearing:

February 21, 1989

b. What other notice, including advertising, did you give of the public hearing?

An official Department News Release was sent to all newspapers, radio stations, and television stations in West Virginia.

c. Date(s) of hearing(s): April 10, 1989

d. Attach list of persons who appeared at the hearing, comments received, amendments to the proposed rule, and the reasons for those amendments.

Attached _____ No comments received X

e. Date you filed in State Register the agency-approved proposed Legislative Rule following public hearing:

April 24, 1989

f. Name and phone number of agency person to contact for additional information regarding this filing:

Mr. Jeffrey E. Herrold, Regulatory Analyst
Office of Environmental & Regulatory Affairs
348-2761

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

NOT APPLICABLE

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

- b. Date of hearing: _____

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

- d. Attach findings and determinations and reasons:

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: Approved Rule

SUMMARY: The Department is proposing the amendment of 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. These range safety regulations were developed and proposed in response to a rule-making petition from the West Virginia State Rifle and Pistol Association.

A public hearing on the proposed rule amendment was held on April 10, 1989 in Charleston. No interested individual attended the public hearing and no written comments were received regarding the proposed amendment. Therefore, the Department is approving this rule as it was proposed on February 21, 1989.

FILED
1989 APR 24 AM 11:10
WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
STATE EXECUTIVE SECRETARIAT

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF NATURAL RESOURCES

FILED

1988 APR 24 AM 11:10

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, ATV, 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- Bechtown--Fisherman--Access--Site--Alcoholic beverages--are--prohibited--within--the--boundaries--of--the Bechtown-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.