

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark in this Box

FILED
1989 MAY -1 PM 1:55
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

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

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 Areas

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

TITLE OF RULE BEING PROPOSED: _____

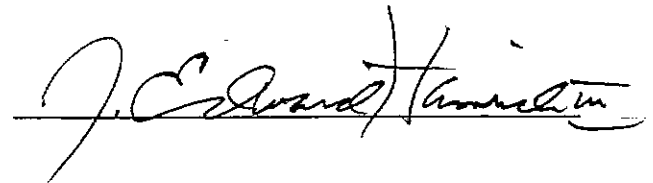
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) House Bill 2853

SECTION 64-2-7(bb), PASSED ON April 8, 1989

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON

THE FOLLOWING DATE: June 1, 1989





STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

ARCH A. MOORE, JR.
Governor

August 15, 1986

RONALD R. POTESTA
Director

MICHAEL A. FOTOS
Deputy Director

The Honorable Ken Hechler
Secretary of State
State Capitol, Suite 157-K
Charleston, West Virginia 25305

Re: Filing of Exempt Rules (Hunting and
Trapping Regulations, Series IV)

Dear Mr. Hechler:

Enclosed please find for your filing a copy of adopted amendments to the exempt rules of the Department of Natural Resources. These 1986-87 Hunting and Trapping Regulations reflect changes in season dates and supercede the regulations currently on file. These amendments are exempt from the provisions of the Administrative Procedures Act under Chapter 29A-1-3(c) of the West Virginia Code.

If you have any questions concerning this filing, please contact Mr. James Ruckel, Assistant Chief, Game Management, Wildlife Resources Division, 348-2771.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Potesta".

Ronald R. Potesta
Director

RRP/jhb

Enclosure



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA
SECRETARY OF STATE
Charleston 25305

RECEIVED
JUN 12 1989

TO: Jeff Herrold, Dept. of Natural Resources

FROM: TRICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: June 8, 1989

DEPT. OF NATURAL RESOURCES
REGULATORY AFFAIRS

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

Series 6

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

✓ THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Jeffrey E. Herrold

TITLE OF PERSON SIGNING: Regulatory Analyst

DATE: June 14, 1989

RECEIVED

NOV 10 1900

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 6
WEST VIRGINIA PUBLIC HUNTING AND FISHING AREAS

§47-6-1. General.

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

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

1.3. Filing Date. -- May 1, 1989.

1.4. Effective Date. -- June 1, 1989.

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 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.

§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 include, 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, all terrain 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. Leachtown Fisherman Access Site. Alcoholic beverages are prohibited within the boundaries of the Leachtown Fisherman Access Site.

4.2. 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. 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:

5.1.1. 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).

(proper names - these must be capitalized.)



FILED

1989 MAY 26 AM 11:20

OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Room M-438, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

Senator Thomas Loehr, Co-Chairman
Delegate James Humphreys, Co-Chairman

Debra A. Graham, Counsel
Marie Nickerson, Receiving Clerk

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

May 23, 1989

TO: Ken Hechler, Secretary of State, State Register
TO: J. Edward Hamrick, III, Director
Dept. of Natural Resources
Building 3, Room 669
Charleston, WV 25305
FROM: Legislative Rule-Making Review Committee
PROPOSED RULE: WV Public Hunting and Fishing 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: Jeffrey Herrold, Reg. Analyst



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25306

ARCH A. MOORE, JR.
Governor

RONALD R. POTESTA
Director

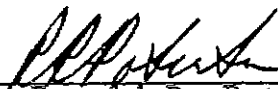
MICHAEL A. FOTOS
Deputy Director

NOTICE OF AGENCY ADOPTION

RULE TITLE: - Hunting and Trapping Regulations, West Virginia
Administrative Regulations, Chapter 20, Series IV

RULE TYPE: Exempt

The attached rule constitutes the official rule adopted by
the Department of Natural Resources on the 15th day of
August, 1986 and filed with the Secretary of State.



Ronald R. Potesta
Director

1986 AUG 15 AM 9:34
SECRETARY OF STATE

FILED