



STATE OF WEST VIRGINIA
 OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

OFFICE
 SECY. OF STATE

81 MAY 7 P2:49

RECEIVED

I, David C. Callaghan, Director,
 Title or Position

Natural Resources, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- () proposed rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- (x) other - specify (Amendment to existing hunting and trapping regulations).

This filing pertains to

Chapter 20
 Article 1
 Series IV
 Section 3 & 11
 Page No. 12 & 21

- (x) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- () proposed rules and regulations are excluded from Legislative Rule Making Committee;

May 7, 1981

Date Submitted

David C. Callaghan
 Signature of Person Authorizing
 this Filing

Adm. Reg. 20-1
Series IV

3.04. Fall Wild Turkey - Season shall be for twenty-nine consecutive days starting with the Saturday nearest October 15, and for six consecutive days commencing on Monday following the second Saturday in December, only in the following counties: Berkeley, Grant, Greenbrier, Hampshire, Hardy, Mineral, Monroe, Morgan, Nicholas ~~(East of State-Route-#20)~~, Pendleton, Pocahontas, Randolph, Tucker, and Webster.

3.18. Wild Boar - First ~~Monday~~ Thursday in November for three consecutive days in those areas designated by the director.

11.03. General

(f) ~~Only-state-owned-or-leased-public-hunting and-fishing-areas~~ All counties open to deer firearms hunting will be open for the muzzle-loading deer season.

SECTION 5.0 FLY FISHING ONLY FISHING AREAS

- 5.01. Edwards Run--in marked area within the boundaries of the Edwards Run Public Hunting and Fishing Area, Hampshire County (pond excluded).
- 5.02. Second Creek, a marked area on the Monroe, Greenbrier County line, extending in a continuous section 3/4 mile downstream from Rodgers Mill.
- 5.03. Rich Creek--in marked area extending from U.S. Route 219 crossing near Lindside, Monroe County to a point approximately one mile east of U.S. Route 219 toward the Mercer County Anglers Club Hatchery.
 - 5.03.1 Special Regulations--Fly Fishing Only (Fish-for-Fun) for Edwards Run, Second Creek, and Rich Creek are as follows: 1) Fishing permitted during daylight hours only; 2) Only artificial flies and streamers may be used or in possession on any of the Fly Fishing Only streams; 3) Only conventional fly fishing tackle may be used. Open and closed faced spinning or spin cast reels are prohibited; 4) All fish caught must be returned to the water at once.

SECTION 6.0 GAME FISH DEFINED

- 6.01. Game Fish--Brook trout, brown trout, rainbow trout, golden rainbow trout, largemouth bass, smallmouth bass, spotted bass, striped bass, pickerel, muskellunge, tiger musky, northern pike, walleye, sauger, white bass, rock bass, crappie, bluegill, other sunfish, channel catfish, and flathead catfish.

SECTION 7.0 OTHER METHODS OF FISHING

- 7.01. Dipping--Dipping for non-game fish only shall be lawful in open waters during the period from February 1 to midnight April 30. A dip net so used shall not exceed 36 square feet in overall area, and its mesh shall not be smaller than one-quarter inch.
- 7.02. Bow Fishing--Year-round open season for carp. Other non-game fish species may be taken by long bow during all months except May and June. It shall be unlawful to use an arrow having an explosive head or shaft. Residents must have a Class B Fishing License and nonresidents must have a Class L Bow and Arrow Hunting and Fishing License to fish from any state waters by bow. All other State fishing regulations apply.

- 7.03. Snaring, Snagging, and Giggling--Non-game fish, turtles, eels only may be taken by giggling, snaring, and snagging from January 1 through May 15 and from July 15 through December 31. However, snaring of any species of sucker, carp, fallfish and creek chub shall at all times be lawful. It is illegal to take game fish by giggling, snaring, or snagging.
- 7.03.1 Special Regulation--Anyone convicted of giggling game fish is subject to fishing license revocation.
- 7.03.2 No person shall have in their possession about any public waters of this State any fishing paraphernalia without proper licenses.
- 7.04. Trotlines and Drop Lines--Must be attached to the bank or a tree thereon, and bear a legible waterproof identification tag and must be attended at least once every 24 hours. Wire or cable lines and hooks with more than one point are prohibited. It is unlawful to attach trotlines to public piers and docks, or within 50 feet of dam appurtenances. Their use is prohibited in State operated small impoundments.
- 7.04.1 Dropline fishing is prohibited in Middle Island Creek, Elk River, Little Kanawha River, Hughes River and South Fork of Hughes River. (Droplines are a line or lines with a hook or hooks that hang from trees or other bank appurtenances into the water and are often called set lines, bank lines, limb lines, etc.)
- 7.05. Seining for Minnows - Minnow Traps--Traps are permissible provided the openings are not larger than one inch in diameter.
- It is lawful to use a seine for obtaining bait only, provided the seine is not longer than six feet nor deeper than four feet. Game fish may not be seined for bait.
- 7.06. Underwater Spearfishing and Diving
- 7.06.1 Spearfishing season is from July 1 to October 1.
- 7.06.2 All fish, except game fish and catfish, may be taken in open waters by underwater spearfishing

during the hours of daylight only. Spearfishing is prohibited in the following waters: a) New River, from Bluestone Dam downstream to the lower bridge at Hinton; b) Elk River, from Sutton Dam downstream to Route 19 bridge at Sutton.

- 7.06.3 Spearguns may be discharged only beneath the surface of the water.
- 7.06.4 It shall be unlawful to use an explosive head or shaft.
- 7.06.5 Skin divers shall not fish or dive in such a manner as to interfere with hook and line fishermen.
- 7.06.6 Skin divers shall not fish or dive in heavily traveled boat lanes, marked swimming areas, or areas set aside for waterskiing.
- 7.06.7 "Diver down flag" shall be a red field of not less than 10 inches by 10 inches dimension with a white diagonal stripe not less than 1 1/2 inches wide running upper left to lower right. A minimum of two(2) flags shall be displayed at all times. These flags must be anchored, affixed to separate flotation devices, be within sight and not more than 100 feet apart.

All power boats will remain a minimum distance of 100 feet away from the marker flags. Divers must come up within 50 feet of flag. The top of the flag shall be at least 3 feet above the surface of the water.

- 7.06.8 No fish taken by spearfishing shall be returned to the waters or left on the banks of any waters.

NEWS

STATE OF WEST VIRGINIA • DEPARTMENT OF NATURAL RESOURCES • CHARLESTON 25305

David C. Callaghan, Director

FOR RELEASE: May 6, 1981

Phone: 304/348-3381

DNR SEEKS COMMENTS ON NEW REGULATIONS

The Department of Natural Resources will conduct a public hearing to discuss 1982 fishing and 1982-83 hunting and trapping regulations on June 8, 1981 from 7:00 to 8:00 p.m. in Room 674, Motor Vehicles Building of the Capitol Complex, Charleston.

Wildlife resources division chief, Bob Miles pointed out that hunting and trapping regulations discussed at this meeting will become effective March 1, 1982 and fishing regulations will become effective January 1, 1982.

All interested persons are urged to participate in this important regulations hearing.

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Chapter 20
 Article I
 Series III
 Section I-7
 Page No. I-7

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1
Series III

19812 FISHING REGULATIONS

SECTION 1.0 OPENING AND CLOSING DATES

- 1.01. Black Bass--(Smallmouth, Largemouth, Spotted)--Open year-round.
- 1.02. Trout--(Rainbow, Brook, Brown, Golden Rainbow)--Open year-round.
 - 1.02.1 Edwards Run in marked area within boundaries of Edwards Run Public Hunting and Fishing Area, Hampshire County (pond excluded)--Open for Fly Fishing Only--June 1 through December 31.
- 1.03. Muskellunge, Tiger Musky, Northern Pike--Open year-round.
- 1.04. Walleye--Open year-round.
- 1.05. Channel Catfish--Open year-round.
- 1.06. Other Species--Open year-round.
- 1.07. Frogs--(Bullfrog and Green Frog)--Open 9 p.m. DST, June 12. Closes at midnight, July 31.
 - 1.07.1 Frog season will open from May 15 through October 31, on Big Sandy and Tug Fork Rivers bordering Kentucky.

SECTION 2.0 DAILY CREEL LIMITS AND POSSESSION LIMITS

- 2.01. Black Bass--(Smallmouth, Largemouth, Spotted)--Daily creel limit is 8. Possession limit is 16 bass in aggregate.
 - 2.01.1 A daily creel limit of 5 per day and a possession limit of 10 shall be in effect in that portion of the Potomac River between the states of Maryland and West Virginia.
- 2.02. Trout--(Rainbow, Brook, Brown, Golden Rainbow)--Daily creel limit is 6, including U.S. Army Corps of Engineers Lakes: only 4 of the 6 may be taken from state managed small impoundments stocked with trout, Edwards Run, and the following streams: Big Sandy Creek, Preston County;

Buffalo Creek, Brooke County; Clear Fork, McDowell County; Clear Fork, Wyoming County; ~~Cross-Creek, Brooke-County~~; East Lynn (Tailwaters), Wayne County; Indian Creek, Summers County; North Fork Dam and South Fork Fishing Creek, Wetzel County; Paint Creek, Fayette County; Panther Creek, McDowell County; Paw-Paw Creek, Marion County; R-D--Bailey (Tailwaters), ~~Mingo-County~~; Spruce Laurel Fork, Boone County; ~~Tennile-Creek, -Harrison-County~~; Tomlinson Run, Hancock County; West Fork Twelvepole Creek, Wayne County; Wheeling Creek, Marshall County; and, Wickwire Creek, Taylor County. Possession limit is 12.

Daily creel limit on Catch and Release Areas--None.
Possession limit--None. (See Sections 4.01 and 4.02.)

Daily creel limit on Fly Fishing Only Streams--None.
Possession limit--None. (See Sections 5.01 and, 5.02, and 5.03.)

- 2.02.1 Only one line per angler is permitted during period January 1 through June 15 while fishing for trout in small impoundments stocked with trout. Does not apply to U.S. Army Corps of Engineers Lakes.
- 2.03. Muskellunge, Tiger Musky, Northern Pike--Daily creel limit is 2. Possession limit is 4.
- 2.04. Walleye--Daily creel limit is 8. Possession limit is 16.
- 2.05. Channel Catfish--Daily creel limit (applies to state managed small impoundments only) is 4; possession limit is 16.
- 2.06. Other Species--No limit.
- 2.07. Frogs--(Bullfrog and Green Frog)--Nightly limit (Noon to Noon DST) is 10. Possession limit is 20.

SECTION 3.0 SIZE LIMITS

- 3.01. Black Bass--(Smallmouth, Largemouth, Spotted)--No size limit.
- 3.01.1 Special Regulation--A 12-inch minimum size limit shall be in effect in Wheeling Creek, Marshall and Ohio counties; East Lynn and

Beech Fork lakes, Wayne County; Conaway Run Lake, Tyler County; and that portion of the Potomac River between the states of Maryland and West Virginia.

- 3.02. Trout--(Rainbow, Brook, Brown, Golden Rainbow)--No size limit.
- 3.03. Muskellunge, Tiger Musky, Northern Pike--Minimum size limit is 28 inches total length.
- 3.04. Walleye--No size limit.
- 3.05. Channel Catfish--No size limit.
- 3.06. Other Species--No size limit.
- 3.07. Frogs--(Bullfrog and Green Frog)--No size limit.

SECTION 4.0 CATCH AND RELEASE TROUT FISHING AREAS

- 4.01. Back Fork of Elk River--A section in Webster County beginning two miles upstream from Webster Springs, extending upstream four miles. This section can be reached from secondary routes 29 and 24/3.
- 4.02. Shavers Fork--A 5 1/2-mile section in the Monongahela National Forest, Randolph County, north of U.S. Route 250, extending from the mouth of Whitmeadow Run downstream to the mouth of McGee Run. This section can be reached from National Forest Route 92, which intersects U.S. Route 250 four miles west of Cheat Bridge.
 - 4.02.1 Special Regulation--Catch and Release Trout Fishing Areas (Fish-for-Fun) for Back Fork of Elk River and Shavers Fork are as follows:
 - 1) Fishing permitted during daylight hours only;
 - 2) Only artificial flies and lures made of metal, wood, feathers, hair or synthetic material, equipped with barbless hooks may be used or possessed on a "catch-and-release" trout stream;
 - 3) To release a deeply hooked or gill-hooked fish, the leader should be cut;
 - 4) All fish caught must be returned to the water at once.