

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

Department of Commerce, Labor,
and Environmental Resources,
AGENCY: Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY West Virginia Code §20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 14A

TITLE OF RULE BEING PROPOSED: "Special Regulations for Waterfowl
Hunting Areas"

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.

See Attached


J. Edward Hamrick III
Director

2.80

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Title 47. Series 13C, "Special Regulations for Waterfowl Hunting Areas"

Type of Rule: XX Legislative Interpretive Procedural

Agency: Department of Commerce, Labor and Environmental Resources Division of Natural Resources.

Address: Building 3, State Capitol Complex, Charleston, West Virginia 25305

1. Effect of Proposed Rule	Increase \$	ANNUAL		FISCAL YEAR	
		Decrease \$	Current \$	Next \$	Thereafter \$
Personal Services					
Current Expense					
Repairs and Alterations			NO CHANGE		
Equipment					
Other					

2. Explanation of Above Estimates: These regulations establish rules when hunting waterfowl on specified waters of this State. No new administrative expenditures are anticipated.

3. Objectives of These Rules: The objectives of this rule are to provide for the regulation of hunting waterfowl within the boundaries of this State for the safety of the public and proper management of the State's wildlife resources.

4. Explanation of Overall Economic Impact of Proposed Rule.

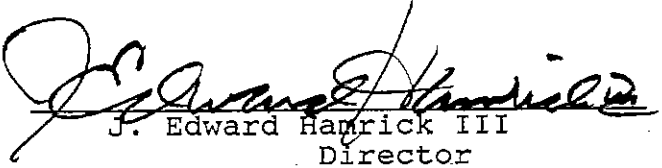
A. Economic Impact on State Government: No impact.

B. 1. Economic Impact on Political Subdivisions: No impact.

2. Economic Impact on Specific Industries: No impact.

3. Economic Impact on Specific Groups of Citizens: No impact.

C. Economic Impact on Citizens/Public at Large: No impact.



J. Edward Hamrick III
Director

Date: November 18, 1991

DATE: November 21, 1991

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Department of Commerce, Labor, and
Environmental Resources, Division of Natural Resources

LEGISLATIVE RULE TITLE: "Special Regulations for Waterfowl Hunting
Areas"

1. Authorizing statute(s) citation:

West Virginia Code Chapter 20, Article 1, Section 7

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

The rules were filed for public comment on October 15, 1991.

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

c. Date(s) of hearing(s): Comment period ended November 18,
1990 at 5:00 p.m. No hearing
was scheduled.

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

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

November 21, 1991

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

Michael E. Comer, Regulatory Analyst
Office of Environmental and 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: N/A

- 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: N/A
- b. Date of hearing: N/A
- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor? N/A
- d. Attach findings and determinations and reasons: N/A

PREAMBLE TO AN AGENCY-APPROVED RULE
CONCERNING SPECIAL REGULATIONS FOR
WATERFOWL HUNTING AREAS

STATE AGENCY: Department of Commerce, Labor, and Environmental Resources, Division of Natural Resources.

AUTHORITY: West Virginia Code §20-1-7(30)

REGULATIONS: Title 47, Series 13C, "Special Regulations for Waterfowl Hunting Areas."

ACTION: Filing of an Agency-Approved Rule and filing with the Legislative Rule-Making Review Committee.

SUMMARY: Today's filing submits regulations concerning waterfowl hunting on specified waters of this State. The public comment period ended on November 18, 1991 and no written comments were received. However, the Division finds it necessary to redesignate the series number of this regulation from Title 47, Series 14A to Title 47, Series 13C so as to not conflict with the "Small Arms Hunting Regulations" existing under Title 47, Series 14.

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 13C
SPECIAL REGULATIONS FOR WATERFOWL HUNTING AREAS

§47-13C-1. General.

1.1. Scope and Purpose. -- These regulations establish provisions for hunting waterfowl in specified areas of this State.

1.2. Authority. -- West Virginia Code §20-1-7(30).

1.3. Filing Date. --

1.4. Effective Date. --

§47-13C-2. Definitions.

2.1. All terms shall have the meaning prescribed in Title 47 Series 13A "Special Waterfowl Hunting Regulations" (47 C.S.R. 13A).

§47-13C-3. McClintic Wildlife Management Area.

3.1. The provisions of Title 47 Series 13 and 13A are in effect at the McClintic Wildlife Management Area, except as provided in Section 3.2 of these regulations.

3.2. All hunters in the controlled waterfowl hunting area during the early waterfowl season must obey the following rules:

3.2.1. Hunters with 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.

3.2.2. 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.

3.2.3. Hunters in the controlled area who violate the provisions of these regulations or conduct themselves in an unsportsmanlike manner will not receive any further permits.

3.2.4. Hunters in the controlled area are restricted to fifteen (15) shells per hunter per day per hunt and must have a valid controlled hunting permit in possession while hunting in the

controlled area.

3.2.5. Guns must be cased and unloaded except when in the blind area.

3.2.6. Alcoholic beverages are prohibited in the blind area.

3.2.7. Dogs must be kept on a leash except when in the blind area.

3.2.8. Hunters may not travel more than seventy-five (75) yards from the blind in pursuit of cripples.

3.3. The following rules concerning the issuance of hunting permits are in effect at McClintic Wildlife Management Area.

3.3.1. Applications for controlled area hunting permits must be received at the DNR Point Pleasant Office, Route 1, Box 484, Point Pleasant, West Virginia 25550, by the date announced annually by the director.

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

3.3.3. Controlled area hunting permits are not transferable.

§47-13C-4. Green Bottom Wildlife Management Area.

4.1. The provisions of Title 47 Series 13 and 13A are in effect at the Green Bottom Wildlife Management Area, except as provided in Sections 4.1.1. through 4.1.3. of these regulations.

4.1.1. Waterfowl hunting is by permit only.

4.1.2. A permit must be obtained at the Green Bottom Wildlife Management Area Headquarters prior to each day's hunt.

4.1.3. 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 open waterfowl seasons.