

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1  
Series III

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

1979 FISHING REGULATIONS

THIS DATE 11-21-78

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 the Edwards Run Public Hunting and Fishing Area, Hampshire County (pond excluded)--Open for Fly Fishing Only--June 1 through December 31.
- ~~1.03. Muskellunge--Open year-round.~~
- ~~1.04. Tiger Musky--Open year-round.~~
- ~~1.05. Northern Pike--Open year-round.~~
- 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--(Bull Frog and Green Frog)--Open 9 p.m. DST, June ~~17~~ 16. 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.

- 2.02. 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 small impoundments stocked with trout, Edwards Run, and the following streams: ~~Big Huff Creek, Wyoming and Logan counties~~; Big Sandy Creek, Preston County; Clear Fork, McDowell County; Clear Fork, Wyoming County; East Lynn (tailwaters), Wayne County; Kings Creek, Hancock County; ~~Marsh Fork, Raleigh County~~; North Fork Dam and South Fork Fishing Creek, Wetzel County; Paint Creek, Fayette County; Panther Creek, McDowell County; Paw-Paw Creek, Marion County; Spruce Laurel Fork, Boone County; Tomlinson Run, Hancock County; West Fork Twelvepole, Wayne County; Wheeling Creek, Marshall County; and, Wickwire Creek, Taylor County. Possession limit is 12.

Daily creel limit on Catch and Release Areas--One. Possession limit--One. (See Sections 4.01 and 4.02.)

Daily creel limit on Fly Fishing Only Streams--None. Possession limit--None. (See Sections 5.01, 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 Daily creel limit is 2. Possession limit is 4.~~
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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 Public Fishing Impoundments only) is 4; possession limit is 16.
- 2.06. Other Species--No limit.

- 2.07. Frogs--(Bull Frog 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, and East Lynn and Beech Fork lakes, Wayne County.
- 3.02. Trout--(Rainbow, Brook, Brown, Golden Rainbow)--No size limit.
- 3.02.1 Special Regulation--An 18-inch minimum size limit shall be in effect on Catch and Release Fishing Areas, Back Fork of Elk River and Shavers Fork (Section 4).
- ~~3.03. Muskellunge--Minimum size limit is 28 inches total length.~~
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- 3.05. Channel Catfish--No size limit.
- 3.06. Other Species--No size limit.
- 3.07. Frogs--(Bull Frog 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 5½-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) An angler may keep one trophy fish 18 inches or over in length but must immediately cease fishing in the "catch-and-release" area for that day;
  - 5) All except a trophy fish must be returned to the water at once.

#### 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. Otter Creek and Tributaries--in Randolph and Tucker counties.
- 5.03. Rich Creek--in marked area, Monroe County, extending in a continuous section approximately .3 miles west of the U.S. Route 219 crossing near Lindsie, 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, Otter Creek and Tributaries, 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, 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 and Gigging--Non-game fish, turtles, eels only may be taken by gigging or snaring 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.
- 7.03.1 Special Regulation--Anyone convicted of gigging 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. (Drop-lines 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 Spear Fishing 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 1½ 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.

September 19, 1978

RECEIVED

SEP 22 1978

LEGISLATIVE SERVICES

The Honorable A. James Manchin  
Secretary of State of West Virginia  
State Capitol Building  
Charleston, West Virginia 25305

Dear Secretary Manchin:

In accordance with the provisions of Chapter 29A of the Code of West Virginia, a public hearing was held on September 15, 1978, to receive comments and recommendations concerning the proposed rules and regulations governing the 1979 Fishing Regulations.

It has been determined that the regulations should be filed with modifications. We are, therefore, this date, submitting 17 copies of the Fishing Regulations to the Legislative Review Committee, with the request that these regulations be made effective January 1, 1979.

For your information, I am enclosing a copy of the modified regulations to be filed in the State Register, and a copy of the minutes of the public hearing September 15, 1978.

Sincerely,

David C. Callaghan  
Director

DCC/agg

Enclosures (2)

cc: Legislative Review Committee (Transmitting 17 copies of the Fishing Regulations)

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 11-21-78

PUBLIC HEARING, September 15, 1978

The meeting was called to order at 1:10 p.m. in Conference Room 811 of the Motor Vehicles Building by Chairman Bob Miles. Miles explained the purpose of the meeting in compliance with the law dealing with the filing of administrative regulations. The attendees were all Department of Natural Resources personnel. No sportsmen nor other interested persons attended.

Chairman Miles pointed out that "Walleye" was inadvertently included in Section 2.03 of the proposed regulations which were submitted to the Secretary of State on August 2, 1978, and that it should be deleted from the regulations to be transmitted to the Legislative Rule Making Committee.

Other discussion covered the recent trout stream survey findings. As a result of these surveys, Clear Fork in Wyoming County will be scheduled for trout stocking instead of Big Huff Creek. Marsk Fork in Raleigh County will be reclassified from a warmwater stream to a coldwater stream, which will increase the poundage of trout to be stocked and change the daily creel limit from 4 to 6.

The meeting was adjourned at 2:00 p.m. A sign was placed on the door to direct anyone else arriving before 4:00 p.m. to come to the Wildlife Resources Division, Room 807.

## SUMMARY

### Changes in the 1979 Fishing Regulations

#### (Page 1) SECTION 1.0 OPENING AND CLOSING DATES

~~1.03. -- Muskellunge --- Open year-round.~~

~~1.04. -- Tiger Musky --- Open year-round.~~

~~1.05. -- Northern Pike --- Open year-round.~~

1.03. Muskellunge, Tiger Musky, Northern Pike -- Open year-round.

1.07. Frogs--(Bull Frog and Green Frog)--Open 9 p.m. DST,  
June 17 16.

#### (Page 2) SECTION

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 small impoundments stocked with trout, Edwards  
Run, and the following streams: Big Huff Creek,  
Wyoming and Logan counties; Big Sandy Creek, Preston  
County; Clear Fork, McDowell County; Clear Fork,  
Wyoming County; East Lynn (tailwaters), Wayne County;  
Kings Creek, Hancock County; Marsh Fork, Raleigh County;  
North Fork Dam and South Fork Fishing Creek, . . .

~~2.03. -- Muskellunge --- Daily creel limit is 2. -- Possession  
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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.

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WEST VIRGINIA LEGISLATURE  
*Legislative Rule-Making Review Committee*

COCHAIRMEN

ROBERT M. STEPTOE  
STATE SENATE  
126 EAST BURKE STREET  
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WILLIAM E. SHINGLETON  
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STAFF

LEGISLATIVE SERVICES  
E-132 STATE CAPITOL  
CHARLESTON 25303  
PHONE (304) 348-2040

November 20, 1978

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 11-21-78

Hon. A. James Manchin  
Secretary of State  
W-151 State Capitol  
Charleston, West Virginia 25305

Dear Mr. Manchin:

This is notification of approval or disapproval of rules and regulations in accordance with Section 11, Article 3, Chapter 29A of the West Virginia Code.

On November 13, 1978, the Legislative Rule-Making Review Committee approved regulations of the Civil Service Commission relating to appeal from dismissal, suspension, demotion or discrimination, regulations of the Department of Natural Resources relating to surface mining and relating to 1979 fishing regulations and regulations of the Insurance Department relating to disclosure, solicitation and sale of insurance. The committee disapproved subdivision (d), subsection (a), article 10 (10(1)(d)) of the regulations of the Board of Pharmacy relating to generic drugs. Approval or disapproval of the rest of the generic drug regulations is still pending.

Copies of the regulations described above are attached.

Very truly yours,

*Robert M. Steptoe*

Robert M. Steptoe

*William E. Shingleton*

William E. Shingleton

Enclosures