



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

JOHN D. ROCKEFELLER IV  
Governor

September 11, 1980

DAVID C. CALLAGHAN  
Director

WILLIS H. HERTIG, JR.  
Deputy Director

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

Dear Secretary Manchin:

In regard to the 1981 Fishing Regulations, designated Series III of Chapter 20-1, a public hearing was held on September 8, 1980, as indicated in my letter of August 5, 1980.

As a result of this hearing, it has been determined that all of the original rules and regulations as submitted to your office on August 5, 1980 will be adopted.

Should you have any questions concerning this matter, do not hesitate to contact me.

Sincerely,

  
David C. Callaghan  
Director

DCC:rmg

Enclosures

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 9-12-80

# NEWS

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

David C. Callaghan, Director

FOR RELEASE: August 8, 1980

PHONE: 304/348-3381

## DNR SEEKS COMMENTS ON NEW REGULATIONS

### 1980 SEASON DATES ESTABLISHED FOR DOVE, WOODCOCK, RAIL, AND SNIPE

#### DNR SEEKS COMMENTS ON NEW REGULATIONS

The Department of Natural Resources will conduct a public hearing to discuss 1981 fishing and 1981-82 hunting and trapping regulations on September 8, 1980 from 7:00 to 8:00 p.m. in Room 674, Motor Vehicles Building of the Capital Complex.

Wildlife resources division chief, Robert L. Miles said, "All interested persons are urged to participate in this important regulations hearing. Hunting and trapping regulations discussed at this meeting will become effective March 1, 1981. Fishing regulations will become effective January 1, 1981."

# # #

#### 1980 SEASON DATES ESTABLISHED FOR DOVE, WOODCOCK, RAIL, AND SNIPE

West Virginia season dates and bag limits for mourning doves, rails, woodcock, and snipe have been established for 1980, according to James M. Ruckel, assistant chief in charge of game management. These regulations were established under guidelines established by the U.S. Fish and Wildlife Service.

A summary of seasons and bag limits is provided in the following table:

	Open Season (All Dates Inclusive)	Daily Bag Limit	Possession Limit
Mourning Doves (Split Season)	Sept. 1 - Oct. 31		
	Dec. 22 - Dec. 30	12	24
Sora and Virginia Rails	Sept. 8 - Nov. 16	25	25
Woodcock	Oct. 18 - Dec. 21	5	10
Common Snipe	Sept. 8 - Dec. 23		

(more)

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RESULTS FROM PUBLIC HEARING FOR 1981 FISHING REGULATIONS AND HUNTING  
AND TRAPPING REGULATION CHANGES FOR 1981-82 SEASON

Eight persons attended the hearing conducted by the Wildlife Resources Division on September 8, 1980, between 7 and 8:30 p.m., in Room 674 of the Motor Vehicles Building, 1800 Washington Street East, Charleston, West Virginia. Those in attendance are listed below:

<u>Name</u>	<u>Address</u>	<u>Association</u>
Clarence E. Riffée	Route 1, Box 103-A, Red House	Putnam Co. Trappers Assoc.
John E. Rucker	4 Pinewood Circle, St. Albans	Putnam Co. Trappers Assoc.
Gene Hyre	843 Hughes Drive, St. Albans	Mountaineer Flintlock Rifle Club
Forrest Backus	4036 40th Street, Nitro	St. Albans Rod & Bow Club
James L. Evers	Star Rt. 34, Box 5300, Winfield	Putnam Co. Trappers Assoc.
Randall McLane	Rt. 1, Box 8 ca, Red House	Putnam Co. Trappers Assoc.
Gary D. Young	114 Melody Lane, Scott Depot	Putnam Co. Trappers Assoc. & West Virginia Trappers Assoc.
Gary L. Bailey	Post Office Box 110, Eleanor	Putnam Co. Trappers Assoc.

DNR personnel attending were:

Jim Ruckel, Assistant Chief in charge of Game Management, Wildlife Division  
Bernie Dowler, Assistant Chief in charge of Warmwater Fish Management,  
Wildlife Division  
Alpha Gerwig, Technical Assistant, Wildlife Division

Specific comments were made by Messrs. Backus, Young, Riffée, Bailey, and Rucker stating that they, and the organizations they represent, are opposed to the early (mid-October) opening of raccoon hunting season. They favored the November 1 opening of raccoon hunting season along with the trapping season. Small, poor quality pelts that are harvested early resulting in reduced fur prices and over-harvesting of the resource during the first three weeks of hunting season were the primary reasons given for their objections to the change.

No objections were made concerning the proposed change in the bear hunting regulations.

The proposed fishing regulations were approved by the group.

After all comments regarding the proposed regulations were heard, the floor was opened to discussion of hunting and fishing programs throughout the state. Topics discussed were: muzzle loading rifle regulations and seasons; trout stocking; hatchery truck following; regulations enforcement; administrative process for establishing regulations; possible increase in trout stamp fees; concern that approved, printed regulations were changed for the 1980 raccoon hunting season; and, hunting and fishing in general.

The meeting was adjourned at 8:30 p.m.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1  
Series III

1981 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--(Bull Frog and Green Frog)--Open 9 p.m. DST,  
June 14 13. 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.

- 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--(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) All fish caught 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-~~

5.02 Second Creek, a marked area on the Monroe, Greenbrier County line, extending in a continuous section 3/4 mile downstream from Rogers Mill.

5.02.1 Special Regulations--Fly Fishing Only (Fish-for-Fun) for Edwards Run, ~~Otter-Creek-and-Tributaries~~, and Second 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 Gigging--Non-game fish, turtles, eels only may be taken by gigging, 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 gigging, snaring, or snagging.
- 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 water-proof 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 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.



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September 9, 1980

DAVID C. CALLAGHAN  
Director

WILLIS H. HERTIG, JR.  
Deputy Director

Mr. John R. Homburg  
Attorney-at-Law  
West Virginia Legislative Services  
Joint Committee on Government and Finance  
Room 3-132, State Capitol Building  
Charleston, West Virginia 25305

Dear Mr. Homburg:

Enclosed are 17 copies of the proposed West Virginia Administrative Regulations covering the Fishing Regulations, designated Series III of Chapter 20-1, which are to become effective at 12:01 a.m. on January 1, 1981.

I urge you to act upon these regulations as soon as possible, since they should be available for distribution to the public and license agents before the 1981 season.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Callaghan".

David C. Callaghan  
Director

DCC/mg

Enclosures (17)

cc: Secretary of State ←  
Natural Resources Commission  
Division of Wildlife Resources