



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

DAVID C. CALLAGHAN  
Director

August 6, 1979

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
THIS DATE 8-6-79

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

Dear Secretary Manchin:

Enclosed are two 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, 1980.

The Department of Natural Resources Commissioners and the Director plan to hold a public hearing on September 6, 1979, at 1:00 p.m. in Room 811, Motor Vehicles Building, 1800 Washington Street East, Charleston, West Virginia, to solicit public comments concerning the proposed regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "David C. Callaghan".

David C. Callaghan  
Director

DCC/rmg

Enclosures



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

A. JAMES MANCHIN  
 SECRETARY OF STATE

STATE REGISTER FILING

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

West Virginia Department of 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;
- (xx) proposed rules and regulations superseding rules and regulations already on file;
- (xx) notice of hearing;
- ( ) findings and determinations;
- ( ) rules and regulations; or
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This filing pertains to

Chapter 20  
 Article 1  
 Series III  
 Section 1-7  
 Page No. 1-7

- (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;

August 6, 1979  
 Date Submitted

Signature of Person Authorizing  
 this Filing

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1  
Series III

1980 FISHING REGULATIONS

FILED IN THE OFFICE OF  
SECRETARY OF STATE  
THIS DATE 8-6-79

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 16 14. 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; Clear Fork,  
McDowell County; Clear Fork, Wyoming County; East  
Lynn (Tailwaters), Wayne County; Indian Creek,  
Summers County; Kings Creek, Hancock 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; Tenmile 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--~~One~~  
None. Possession Limit--~~One~~ None. (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, 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--(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; 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.
- ~~3.02.1--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, 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) 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 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.
- 5.03. Rich Creek--in marked area, Monroe County, extending in a continuous section approximately .3 miles west of the U.S. Route 219 crossing near Lindside, 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, 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 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.



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

A. JAMES MANCHIN  
 SECRETARY OF STATE

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*David C. Callaghan*  
Signature of Person Authorizing  
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DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

DAVID C. CALLAGHAN  
Director

September 17, 1979

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 6, 1979, to receive comments and recommendations concerning the proposed rules and regulations governing the 1980 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, 1980.

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 that was held September 6, 1979.

Sincerely,

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

David C. Callaghan  
Director

DCC/agk

Enclosures (2)

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

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STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

DAVID C. CALLAGHAN  
Director

September 17, 1979

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

Dear Mr. Homburg:

In compliance with House Bill 1257, enclosed are 17 copies of the administrative regulations governing the 1980 Fishing Regulations.

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 1980 season.

Your immediate attention to this request would be greatly appreciated.

Sincerely,

  
David C. Callaghan  
Director

DCC/mg  
Enclosures (17)  
cc: Secretary of State  
Natural Resources Commission  
Division of Wildlife Resources

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SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 9-18-79

Public Hearing - September 6, 1979

The meeting was called to order at 1:10 p.m. in Room 811, Motor Vehicles Building, 1800 Washington Street East, Charleston by Bob Miles, wildlife resources division chief. No sportsmen nor other individuals of the public were present. Attendees consisted of Department of Natural Resources personnel.

Miles presented a change to be made in the regulations previously submitted to be filed in the State Register as follows:

Omit -- Rich Creek, Monroe County as a Fly Fishing Only area.

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

The meeting adjourned at 1:30 p.m., and the meeting room was kept open with no one else arriving before the office closed at 4:30 p.m.

Attendance List

Bob Miles  
Bernie Dowler  
Bob Ross  
Loy McLaughlin  
Alpha Gerwig

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 9-18-79

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1  
Series III

1980 FISHING REGULATIONS

F. LE. IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 9-18-79

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 16 14. 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; Clear Fork,  
McDowell County; Clear Fork, Wyoming County; East  
Lynn (Tailwaters), Wayne County; Indian Creek,  
Summers County; Kings Creek, Hancock 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; Tenmile 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--One  
None. Possession Limit--One None. (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, 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**--(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; 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.
- ~~3.02.1--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, 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) 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 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.

5.03. **Rich Creek**--in marked area, Monroe County, extending in a continuous section approximately 3 miles west of the U.S. Route 219 crossing near Lindsides, to a point approximately one mile east of U.S. Route 219 toward the Mercer County Anglers Club Hatchery. Second Creek, a marked area on the Monroe, Greenbrier County line, extending in a continuous section 3/4 mile downstream from Rogers Mill.

5.03.1 **Special Regulations--Fly Fishing Only (Fish-for-Fun)** for Edwards Run, Otter Creek and Tributaries, and Rich Creek 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, 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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