



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

May 28, 1981

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:

Enclosed are two copies of a proposed amendment to the Administrative Regulations covering the West Virginia Fishing Regulations, designated Series III of Chapter 20-1. This amendment will establish a portion of Rich Creek in Monroe County as a Fly Fishing Only section. (See pages 1, 2, and 4.)

This regulation was submitted to the Legislative Rule-Making Review Committee on February 24, 1981 and they accepted it on May 14 to be considered at their next regular meeting. Because of the March opening date for the Fly Fishing Only area, this regulation was also filed in your office on an emergency basis. The authority of the emergency filing expires June 1. Therefore, we respectfully request that this regulation be filed again on an emergency basis in order that it can be enforced until such time as the Legislative Rule-Making Committee meets.

I hereby certify that the enclosed regulation is a true and accurate copy of the official regulation to be adopted by the Department of Natural Resources.

Thank you for your immediate attention to this matter.

Sincerely,



David C. Callaghan
Director

DCC/alg
Enclosures
cc: Division of Wildlife Resources

FILED IN THE OFFICE OF

SECRETARY OF STATE
THIS DATE 6/5/81



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

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;
- () proposed rules and regulations superseding rules and regulations already on file;
- () notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- (x) other - specify (*Emergency Regulations - to amend the 1981 Fishing Regulations to establish a Fly Fishing Only section on Rich Creek in Monroe County.*)
This filing pertains to

Chapter 20
Article 1
Series III
Section 1-5
Page No. 1, 2 & 4

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

FILED IN THE OFFICE OF

SECRETARY OF STATE
THIS DATE 6/5/81

6-2-81
Date Submitted

[Signature]
Signature of Person authorizing
this Filing

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.
 - 1.02.2 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--Open for Fly Fishing Only--March 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 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.

FILED IN THE OFFICE OF

SECRETARY OF STATE

DATE

6/5/81

- 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; 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;
R.D. Bailey (Tailwaters), Mingo 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--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, 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.



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

July 20, 1981

JOHN D. ROCKEFELLER IV
Governor

DAVID C. CALLAGHAN
Director

WILLIS H. HERTIG, JR.
Deputy Director

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

Dear Secretary Manchin:

In accordance with the provisions of Chapter 20 of the Code of West Virginia, the Natural Resources Commission at their July 13, 1981 meeting, reconsidered comments and recommendations concerning the proposed 1982 West Virginia Fishing Regulations.

As a result of this meeting, the Commissioners determined that a 30-inch minimum size limit on muskellunge should be filed in the State Register to become effective on January 1, 1982. Therefore, we request that the West Virginia Administrative Rules and Regulations covering the 1982 Fishing Regulations, designated Series III of Chapter 20-1, submitted on June 10, 1981, be modified accordingly. Enclosed are two copies of this modification to be substituted for the original page 3 of these regulations.

Should you have any questions or need additional information, please contact me.

Sincerely,

D. C. Callaghan
David C. Callaghan
Director

RECORDED
STATE

81 JUL 20 PM 4:21

RECEIVED

DCC/mgr

Enclosures 2

cc: Legislative Rule-Making Review Committee
(Transmitting 17 copies)

Natural Resources Commission Members

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. Muskellunge--Minimum size limit is 30 inches total length.
- 3.045. Walleye--No size limit.
- 3.056. Channel Catfish--No size limit.
- 3.067. Other Species--No size limit.
- 3.078. 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.

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.

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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.
- 5.023.1 Special Regulations--Fly Fishing Only (Fish-for-Fun) for Edwards Run, and 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.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1
Series III

1981 FISHING REGULATIONS

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 - 1.02.2 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--Open for Fly Fishing Only--March 1 through December 31.
- 1.03. Muskellunge, Tiger Musky, Northern Pike--Open year-round.
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- 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 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.
- 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; 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--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, 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.

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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.
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 - 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;
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- 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.

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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 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.



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25306

JOHN D. ROCKEFELLER IV
Governor

August 5, 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:

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., January 1, 1981.

The Department of Natural Resources Commissioners and the Director plan to hold a public hearing on September 8, 1980, at 6:00 p.m., in Room 674, Motor Vehicles Building, 1800 Washington Street East, Charleston, West Virginia, to solicit public comments concerning the proposed regulations.

Sincerely,

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

David C. Callaghan
Director

DCC/rmg

Enclosures

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE

8/6/80

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1
Series III

1981 FISHING REGULATIONS

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 8/6/80

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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.



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		
Sora and Virginia Rails	Dec. 22 - Dec. 30	12	24
Woodcock	Sept. 8 - Nov. 16	25	25
Common Snipe	Oct. 18 - Dec. 21	5	10
	Sept. 8 - Dec. 23		

(more)

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 9/12-80

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. Riffie	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, Riffie, 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.

- 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; 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;
R.D. Bailey (Tailwaters), Mingo 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--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.)

- 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.
- 3.03. 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.
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STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

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

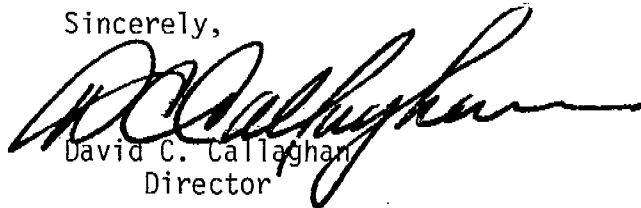
Dear Mr. Homburg:

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,


David C. Callaghan
Director

DCC/mg

Enclosures (17)

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