

**TITLE 47  
LEGISLATIVE RULES  
DEPARTMENT OF NATURAL RESOURCES**

**SERIES 21  
COMMERCIAL FISHING REGULATIONS**

**§47-21-1. General.**

1.1. Scope. -- These legislated and procedural rules are promulgated to regulate commercial fishing in the mainstream of the Ohio River.

1.2. Authority. -- W. Va. Code §20-2-59

1.3. Filing Date. -- December 30, 1982

1.4. Effective Date. -- January 1, 1983

**§47-21-2. Season.**

2.1. Continuous.

**§47-21-3. Area Open.**

3.1. Ohio River, mainstream only.

**§47-21-4. Restricted Area.**

4.1. Areas up channels of side streams are closed to commercial fishing even though they have been flooded by Ohio River Dams.

**§47-21-5. Species Which May Be Taken.**

5.1. Channel catfish.

5.2. Flathead catfish.

5.3. White catfish.

5.4. Black bullhead.

5.5. Brown bullhead.

5.6. Yellow bullhead.

5.7. Carp.

5.8. Buffalo.

5.9. All species of minnows (cyprinidae).

5.10. Gizzard Shad.

**§47-21-6. Size Limit.**

6.1. Channel catfish -- minimum size is thirteen (13) inches total length.

6.2. Flathead catfish -- minimum size is eighteen (18) inches in length.

6.3. White catfish -- no size limit.

6.4. Black bullhead -- no size limit.

6.5. Brown bullhead -- no size limit.

6.6. Yellow bullhead -- no size limit.

6.7. Carp -- no size limit.

6.8. Buffalo -- no size limit.

6.9. Minnows (cyprinidae) -- no size limit.

6.10. Gizzard Shad -- no size limit.

**§47-21-7. Gear Restrictions.**

7.1. Fyke and trap nets -- bar mesh must measure at least one and one-half (1-1/2) inches.

7.2. Hoop and pound nets -- bar mesh must measure at least one and one-half (1-1/2) inches.

7.3. Gill nets -- prohibited.

7.4. Trammel nets -- prohibited.

7.5. Seines -- no restrictions.

7.6. Wooden basket traps must have unobstructed

hole measuring at least one and three-fourths (1-3/4) inches in diameter in the end to allow escapement of small fish.

**7.7. Trotlines:**

7.7.1. It shall be unlawful for such trotlines to have wire or cable lines;

7.7.2. It shall be unlawful for hooks to have more than one point;

7.7.3. It shall be unlawful to set trotlines within fifty (50) feet of public piers, docks, or dam appurtenances;

7.7.4. Trotlines must be attended, and fish removed at least once each day.

7.8. Gear restriction waiver -- Gear restrictions are, in part, waived for fishing with a special permit to take small channel catfish. Gear restrictions are stated in the special permit (see Section 9.1 of these regulations).

**§47-21-8. Reports.**

8.1. All holders of commercial fishing license must report their fishing effort and catch each month to the Department of Natural Resources on appropriate forms to be distributed by the Department.

**§47-21-9. Special Permits to Take Small Channel Catfish.**

9.1. A special permit to take small channel catfish (under thirteen (13) inches) may be issued by the Director of the Department of Natural Resources to residents of West Virginia only if he feels it will not be deleterious to the fishery. The permit will state the size and number of catfish to be taken, as well as the location, dates, and gear specifications. Permits will be issued to holders of commercial fishing license only.

9.2. Special permit report must be filed by permit holder with the Director within one (1) week after the permit expiration date.

**§47-21-10. Possession Limit.**

10.1. It shall be unlawful to have in possession, when commercial fishing, any undersized fish or non-commercial species. All such fish, if taken, shall be released immediately in as good condition as possible.

**§47-21-11. Inspection.**

11.1. Personnel of the Department of Natural Resources may, at any time, inspect fish catch or gear of commercial fishing license holders, or accompany them when they raise their nets.

**§47-21-12. License Revocation.**

12.1. Anyone convicted of a violation of the commercial fishing regulations is subject to revocation of their commercial fishing license.

Title 47  
Legislative Rule

~~WEST VIRGINIA ADMINISTRATIVE REGULATIONS~~

DEPARTMENT OF NATURAL RESOURCES

Chapter ~~20-1~~<sup>e</sup> 21  
Series ~~20~~

SUBJECT: COMMERCIAL FISHING REGULATIONS

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SECTION 1.0 GENERAL

- 1.01. Scope -- These legislated and procedural rules are promulgated to regulate commercial fishing in the mainstem of the Ohio River.
- 1.02. Authority -- These regulations are issued under authority of West Virginia Code, Chapter 20, Article 2, Section 59 and are exempt from provisions of Chapter 29A-1-3(c).
- 1.03. Filing Date -- These regulations were promulgated in December 1974 in the Secretary of State's Office, and are hereby refiled on December 30, 1982.
- 1.04. Effective Date -- These regulations become effective on January 1, 1983 and shall remain in effect until otherwise amended or new regulations are issued by the Director.

SECTION 2.0 SEASON -- Continuous.

SECTION 3.0 AREA OPEN -- Ohio River, mainstem only.

SECTION 4.0 RESTRICTED AREA

- 4.01. Areas up channels of side streams are closed to commercial fishing even though they have been flooded by Ohio River Dams.

SECTION 5.0 SPECIES WHICH MAY BE TAKEN

- 5.01. Channel Catfish

- 5.02. Flathead Catfish
- 5.03. White Catfish
- 5.04. Black Bullhead
- 5.05. Brown Bullhead
- 5.06. Yellow Bullhead
- 5.07. Carp
- 5.08. Buffalo
- 5.09. All Species of Minnows (Cyprinidae)
- 5.10. Gizzard Shad

SECTION 6.0 SIZE LIMIT

- 6.01. Channel Catfish -- Minimum size is 13 inches total length.
- 6.02. Flathead Catfish -- Minimum size is 18 inches in length.
- 6.03. White Catfish -- No size limit.
- 6.04. Black Bullhead -- No size limit.
- 6.05. Brown Bullhead -- No size limit.
- 6.06. Yellow Bullhead -- No size limit.
- 6.07. Carp -- No size limit.
- 6.08. Buffalo -- No size limit.
- 6.09. Minnows (Cyprinidae) -- No size limit.
- 6.10. Gizzard Shad -- No size limit.

SECTION 7.0 GEAR RESTRICTIONS

- 7.01. Fyke and Trap Nets -- Bar mesh must measure at least  
1-1/2 inches.

- 7.02. Hoop and Pound Nets -- Bar mesh must measure at least 1-1/2 inches.
- 7.03. Gill Nets -- Prohibited.
- 7.04. Trammel Nets -- Prohibited.
- 7.05. Seines -- No restrictions.
- 7.06. Wooden Basket Traps -- Must have unobstructed hole measuring at least 1-3/4 inches in diameter in the end to allow escapement of small fish.
- 7.07. Trotlines -- 1) It shall be unlawful for such trotlines to have wire or cable lines; 2) It shall be unlawful for hooks to have more than one point; 3) It shall be unlawful to set trotlines within 50 feet of public piers, docks, or dam appurtenances; 4) Trotlines must be attended, and fish removed at least once each day.
- 7.08. Gear Restriction Waiver -- Gear restrictions are, in part, waived for fishing with a special permit to take small channel catfish. Gear restrictions are stated in the special permit (see Section 9.01.).

#### SECTION 8.0 REPORTS

- 8.01. All holders of commercial fishing license must report their fishing effort and catch each month to the Department of Natural Resources on appropriate forms to be distributed by the Department.

SECTION 9.0 SPECIAL PERMITS TO TAKE SMALL CHANNEL CATFISH

- 9.01. A Special Permit to Take Small Channel Catfish (under 13 inches) -- may be issued by the Director of the Department of Natural Resources to residents of West Virginia only if he feels it will not be deleterious to the fishery. The permit will state the size and number of catfish to be taken, as well as the location, dates, and gear specifications. Permits will be issued to holders of commercial fishing license only.
- 9.02. Special Permit Report -- Must be filed by permit holder with the Director within one week after the permit expiration date.

SECTION 10.0 POSSESSION LIMIT

- 10.1. It shall be unlawful to have in possession, when commercial fishing, any undersized fish, or noncommercial species. All such fish, if taken, shall be released immediately in as good condition as possible.

SECTION 11.0 INSPECTION

- 11.1. Personnel of the Department of Natural Resources may, at any time, inspect fish catch or gear of commercial fishing license holders, or accompany them when they raise their nets.

SECTION 12.0 LICENSE REVOCATION

12.1 Anyone convicted of a violation of the commercial fishing regulations is subject to revocation of their commercial fishing license.