

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

FILED

APR 21 3 04 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 21

TITLE OF RULE BEING AMENDED: Special Fishing Rule

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

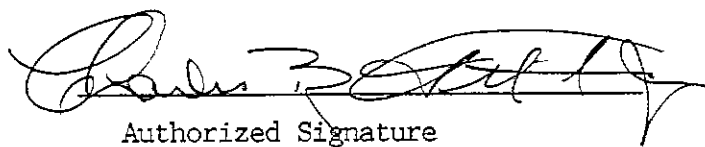
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 1005

SECTION 64-3-8 (mmm), PASSED ON March 16, 1994

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 21, 1994



Authorized Signature
Charles B. Felton, Jr., Director
Division of Natural Resources

47-118

Amended

~~(111) The legislative rules filed in the state register on the seventeenth day of August, one thousand nine hundred ninety-three, relating to the division of natural resources (prohibitions when hunting and trapping), are authorized with the amendment set forth below:~~

~~On page two, by striking out sections 3.12 in its entirety.~~

Amended

47-21

~~(mmm) The legislative rules filed in the state register on the seventeenth day of August, one thousand nine hundred ninety-three, modified by the division of natural resources to meet the objections of the legislative rule-making review committee and refiled in the state register on the ninth day of November, one thousand nine hundred ninety-three, relating to the division of natural resources (special fishing), are authorized with the amendment set forth below:~~

~~On page 4, after 4.1.4 by adding two new subsections to read as follows:~~

~~"4.1.5. Raleigh County Airport--A .5 acre pond at the entrance to Raleigh County Airport.~~

~~4.1.6 Woodbine Area of Cranberry River--A 300 yard long section of Cranberry River at the Woodbine Recreation Area in Nicholas County."~~

47-27

~~(nnn) The legislative rules filed in the state register on the twenty-fourth day of January, one thousand nine hundred ninety-four, relating to the division of natural resources (commercial whitewater commission) are authorized, with the amendments set forth below:~~

~~On page six, subsections 6.1 and 6.2, by striking out the word "unduly" and inserting in lieu thereof the word "unreasonably";~~

~~And,~~

~~On page seven, subsection 7.2, by striking out the word "unduly" and inserting in lieu thereof the word "unreasonably".~~

§64-3-17. Division of environmental protection.

~~(a) The legislative rules filed in the state register on the eleventh day of October, one thousand nine hundred ninety-one, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the ninth day of November, one thousand nine hundred ninety-two, relating to the division of environmental protection (operator's designation of bona fide future use of oil and gas wells - qualification for inactive status), are authorized.~~

~~(b) The legislative rules filed in the state register on the third day of September, one thousand nine hundred ninety-two, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the nineteenth day of February, one thousand nine hundred ninety-three, relating to the division of environmental protection (oil and gas wells and other wells), are authorized.~~

~~(c) The legislative rules filed in the state register on the third day of September, one thousand nine hundred ninety-two, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the nineteenth day of February, one thousand nine hundred ninety-three, relating to the division of environmental protection (abandoned wells), are authorized.~~

~~(d) The legislative rules filed in the state register on the eighteenth day of September, one thousand nine hundred ninety-two, modified by the division of environmental protection to meet the objections of the legislative rule-making review committee and refiled in the state register on the nineteenth day of February, one thousand nine hundred ninety-three, relating to the division of~~

PROMULGATION HISTORY

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 21
SPECIAL FISHING RULE

PROPOSED RULE FILED: June 29, 1993

END OF COMMENT PERIOD: July 30, 1993

FILED IN SECRETARY OF STATE'S OFFICE
AND WITH RULE MAKING COMMITTEE: August 17, 1993

MODIFIED AND APPROVED: September 28, 1993

MODIFIED FILED: November 9, 1993

PASSED ON SB 1005: March 16, 1994

SIGNED BY GOVERNOR: April 6, 1994

FINAL FILING: April 21, 1994

EFFECTIVE DATE: April 21, 1994

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

APR 21 3 04 PM '94

FILED

FILED

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

APR 21 10 4 PM '94
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 21
SPECIAL FISHING RULE

§47-21-1. General.

1.1. Scope and Purpose. -- This rule establishes special fishing seasons and prohibitions with respect to the taking of fish and other aquatic species in West Virginia.

1.2. Authority. -- W. Va. Code §§20-1-7(30) and 20-1-17(7).

1.3. Filing Date. -- April 21, 1994

1.4. Effective Date. -- April 21, 1994

1.5. For the purposes of these regulations concerning the open seasons, bag limits, possession limits, creel limits, size, age, weight, and sex limits of any game or nongame fish and other aquatic species of West Virginia, refer to Title 47, Series 20, of the Code of State Regulations (47 C.S.R. 20), "Fishing Regulations".

§47-21-2. Definitions.

2.1. "Daylight hours" means the time period between sixty (60) minutes before sunrise and sixty (60) minutes after sunset.

2.2. All other terms have the meaning prescribed in W. Va. Code §20-1-2.

§47-21-3. Prohibitions.

3.1. Protected Species -- To keep or kill or attempt to keep or kill paddlefish (*Polyodon spathula*) at any time by any means is prohibited. If caught or taken, the paddlefish shall be immediately returned to the water.

3.2. Fishing on Catch-and-Release Trout Waters -- Fishing on catch-and-release trout waters is permitted during daylight hours only.

3.2.1. Only artificial flies and lures made of metal, wood, feathers, hair, or synthetic material may be used or in a persons possession on catch-and-release trout waters.

3.2.1.a. Multiple-hook lures must have barbless hooks.

3.2.1.b. Single-hooked lures may have barbed hooks.

3.2.2. All fish caught on catch-and-release trout waters must be returned to the water at once. To release a deeply hooked or gill-hooked fish, the leader should be cut.

3.3. Fishing on Fly-Fishing-Only Waters -- Fishing on fly-fishing-only-waters is permitted during daylight hours only.

3.3.1. Only artificial flies and streamers may be used or in a persons possession on fly-fishing-only waters.

3.3.2. Only conventional fly fishing tackle may be used on fly-fishing-only waters (i.e., open-faced and closed-faced spinning or spin cast reels are prohibited).

3.3.3. All fish caught on fly-fishing-only waters must be returned to the water at once. To release a deeply hooked or gill-hooked fish, the leader should be cut.

3.4. Fishing Methods.

3.4.1. Dipping -- A dip net may not exceed thirty-six square feet (36 sq. ft.) in overall area and its mesh may not be smaller than one-quarter inch (1/4").

3.4.2. Bow Fishing -- It is illegal to:

3.4.2.a. Use an arrow having an explosive head or shaft while bow fishing;

3.4.2.b. Use an arrow dipped in or smeared with poison or other chemicals while bow fishing; or

3.4.2.c. Use a crossbow while bow fishing.

3.4.3. Giggling, Snagging, and Snaring --It is illegal to take any game fish by giggling, snagging, or snaring.

3.4.4. Trotlines and Droplines -- The following requirements must be complied with when using trotlines and droplines:

3.4.4.a. Trotlines and droplines must be attached to the bank, or a tree on the bank;

3.4.4.b. Trotlines and droplines must bear an identification tag that is legible and waterproof;

3.4.4.c. Trotlines and droplines must be attended at least once every twenty-four (24) hours;

3.4.4.d. Wire or cable lines and hooks with more than one point are prohibited;

3.4.4.e. It is illegal to attach a trotline to public piers and docks or within fifty (50) feet of dam appurtenances; and

3.4.4.f. Trotlines and droplines are prohibited on impoundments designated by the director and published annually.

3.4.5. Seining for Minnows and Minnow Traps -- The following requirements must be complied with when seining for minnows and using minnow traps:

3.4.5.a. Game fish may not be seined or trapped;

3.4.5.b. A seine may be used to obtain minnows for use as bait provided the seine is not larger than six (6) feet nor deeper than four (4) feet;

3.4.5.c. Minnow traps may be used provided the openings are not larger than one inch (1") in diameter; and

3.4.5.d. A thrownet may be used provided the diameter is no larger than six (6) feet and the mesh size no larger than 3/8 inch.

3.4.6. Underwater Spearfishing -- The following requirements must be complied with when spearfishing:

3.4.6.a. Spearguns shall be discharged only beneath the surface of the water;

3.4.6.b. It is illegal to use a bolt having an explosive head or shaft while spearfishing;

3.4.6.c. It is illegal to use a bolt dipped in or smeared with poison or other chemicals while spearfishing;

3.4.6.d. A diver may not spearfish in such a manner as to interfere with other fishermen;

3.4.6.e. A diver may not spearfish in heavily-travelled boat lanes, marked swimming areas, or marked waterskiing areas; and

3.4.6.f. Fish taken by spearfishing may not be returned to the water or left on the bank.

§47-21-4. Special Fishing Season for Children and Persons Possessing a Valid Class Q License.

4.1. The special fishing season for children and persons possessing a valid Class Q license is from March 1 through May 31 and is open only in the following areas:

4.1.1. Handley Pond -- A 5-acre pond in Pocahontas County.

4.1.2. Wood Pond -- A 1/2-acre impoundment on the Bear Rock Wildlife Management Area in Ohio County.

4.1.3. Coonskin Park Pond -- A 2.7-acre pond on Coonskin Park in Kanawha County.

4.1.4. Westover Park Pond -- A 1.0 acre pond in Monongalia County.

4.1.5. Raleigh County Airport -- A .5-acre pond at the entrance to Raleigh County Airport.

4.1.6. Woodbine Area of Cranberry River -- A 300 yard long section of Cranberry River at the Woodbine Recreation Area in Nicholas County.

4.2. The season is open to:

4.2.1. All children ten (10) years of age or under that may be accompanied by another person(s) to assist with baiting hooks and removing fish.

4.2.2. All persons that possess a valid Class Q license in accordance with W. Va. Code §20-2-46e.

4.3. Fishing is restricted to daylight hours only.

4.4. The creel limit is four (4) trout.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Jim Ruckle

AGENCY: Natural Resources

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 1, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 21 TITLE: 47 Natural Resources

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *Bernard F. Conner*

TITLE OF PERSON SIGNING: Environmental Resource Program Manager II

DATE: June 11, 1994

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

March 18, 1994

Bernard Dowler
Natural Resources
Wildlife Resources Section
Bldg. 3, Rm. 812
Charleston, WV 25305

SB 1005 authorizing, **Title 47, Series 21, Special Fishing Regulations**, passed the Legislature on **March 16, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 1005, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 1005** section **64-3-8(mmm)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division

SENATE BILL NO. 200

(By Senators Manchin, Anderson, Grubb, Macnaughtan
and Minard)

[Introduced January 31, 1994; referred to the
Committee on NATURAL RESOURCES;

Judiciary

A BILL to amend and reenact section eight, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the division of natural resources to promulgate legislative rules relating to special fishing.

Be it enacted by the Legislature of West Virginia:

That section eight, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-3-8. Division of natural resources.

(a) The legislative rules filed in the state register on the eighth day of December, one thousand nine hundred eighty-three,

1 relating to the department of natural resources (surface mining),
2 are authorized with the amendments set forth below:

3 Page 3-4, §3E.01 by adding after the word "engineer" the
4 words "or licensed land surveyor."

5 Page 3-5, §3E.02, subsection (a), by adding after the word
6 "mining" the words "or civil."

7 And,

8 Page 3-5, §3E.02, subsection (b), by adding after the first
9 sentence -- "Those persons who have been approved to date need
10 not make said demonstration."

11 (b) The legislative rules filed in the state register on the
12 twentieth day of January, one thousand nine hundred eighty-four,
13 relating to the department of natural resources (solid waste
14 management), are authorized with the amendments set forth below:

15 Page 9, section 4.04, line five, add the following paragraph:

16 "Upon request of any applicant, the division shall meet with
17 the applicant for prefiling review of the application. The
18 division, with the cooperation of the solid waste authority,
19 shall assist the applicant in preparing a complete and proper
20 application which would not be rejected as incomplete."

21 On page 15, section 6.03(c)(1) in the first full sentence,
22 after the word "cease", strike the remainder of the sentence and
23 insert in lieu thereof the words "within fifteen (15) days of
24 receipt of an order of suspension" and in the second sentence
25 strike the word "recommence" and insert the words "continue

1 beyond fifteen (15) days"; (c)(2) in the first full sentence,
2 after the word "cease" by striking out the remainder of the
3 sentence and insert in lieu thereof the words "immediately upon
4 receipt of an order of revocation."

5 (c) The legislative rules filed in the state register on the
6 twenty-sixth day of September, one thousand nine hundred
7 eighty-four, relating to the department of natural resources
8 (public use of state parks, forests, hunting and fishing areas),
9 are authorized.

10 (d) The legislative rules filed in the state register on the
11 seventh day of November, one thousand nine hundred eighty-four,
12 relating to the department of natural resources (surface mining
13 reclamation), are authorized.

14 (e) The legislative rules filed in the state register on the
15 seventh day of November, one thousand nine hundred eighty-four,
16 relating to the department of natural resources (coal refuse
17 disposal), are authorized.

18 (f) The legislative rules filed in the state register on the
19 ninth day of November, one thousand nine hundred eighty-four,
20 relating to the department of natural resources (transfer of the
21 state national pollutant discharge elimination system program),
22 are authorized with the amendment set forth below:

23 Page 10-5, by striking §10B.19 and inserting in lieu thereof
24 a new §10B.19, to read as follows: "Effluent limitations
25 guidelines' means a regulation published by the Administrator

1 under Section 304(b) or Section 301(b)(1)(B) of the CWA to adopt
2 or revise effluent limitations or levels of effluent quality
3 attainable through the application of secondary or equivalent
4 treatment. For the coal industry these regulations are published
5 at 40 C.F.R. Parts 434 and 133. (See: Appendix G and H)."

6 (g) The legislative rules filed in the state register on the
7 twenty-eighth day of August, one thousand nine hundred
8 eighty-four, relating to the department of natural resources
9 (small arms hunting), are authorized.

10 (h) The legislative rules filed in the state register on the
11 sixth day of January, one thousand nine hundred eighty-four,
12 relating to the department of natural resources (hazardous waste
13 management), are authorized.

14 (i) The legislative rules filed in the state register on the
15 third day of December, one thousand nine hundred eighty-four,
16 modified by the department of natural resources to meet the
17 objections of the legislative rule-making review committee and
18 refiled in the state register on the thirteenth day of February,
19 one thousand nine hundred eighty-five, relating to the department
20 of natural resources (hazardous waste management), are
21 authorized.

22 (j) The legislative rules filed in the state register on the
23 tenth day of October, one thousand nine hundred eighty-five,
24 relating to the department of natural resources (hazardous waste
25 management: Small quantity generators and waste minimization

1 certification), are authorized with the amendment set forth
2 below:

3 On page 1, §3.1.4b, delete the word "or" in the reference to
4 "paragraph (g) or (j)" and insert in lieu thereof the words "and,
5 if applicable."

6 (k) The legislative rules filed in the state register on the
7 ninth day of September, one thousand nine hundred eighty-five,
8 relating to the department of natural resources (WV/NPDES
9 regulations for the coal mining point source category and related
10 sewage facilities), are authorized.

11 (l) The legislative rules filed in the state register on the
12 eleventh day of December, one thousand nine hundred eighty-five,
13 modified by the department of natural resources to meet the
14 objections of the legislative rule-making review committee and
15 refiled in the state register on the twentieth day of February,
16 one thousand nine hundred eighty-six, relating to the department
17 of natural resources (hazardous waste management), are
18 authorized.

19 (m) The legislative rules filed in the state register on the
20 twenty-sixth day of September, one thousand nine hundred
21 eighty-six, modified by the department of natural resources to
22 meet the objections of the legislative rule-making review
23 committee and refiled in the state register on the ninth day of
24 December, one thousand nine hundred eighty-six, relating to the

1 department of natural resources (hazardous waste management
2 regulations), are authorized.

3 (n) The legislative rules filed in the state register on the
4 seventh day of August, one thousand nine hundred eighty-six,
5 relating to the director of the department of natural resources
6 (procedures for transporting and dealing in furbearing animals),
7 are authorized.

8 (o) The legislative rules filed in the state register on the
9 thirtieth day of December, one thousand nine hundred eighty-six,
10 relating to the department of natural resources (WV/NPDES program
11 for coal mines and preparation plants, and the refuse and waste
12 therefrom), are authorized with the amendments set forth below:

13 On page four, §1.9.1.a by inserting the words "five thousand
14 dollars or" after the words "'significant portion of income'
15 means."

16 And,

17 On page four, §1.9.1.a by inserting the words "whichever is
18 less," after the words "ten percent or more of gross personal
19 income for a calendar year."

20 (p) The legislative rules filed in the state register on the
21 fifth day of March, one thousand nine hundred eighty-six,
22 relating to the department of natural resources (hazardous waste
23 management), are authorized.

24 (q) The legislative rules filed in the state register on the
25 twelfth day of August, one thousand nine hundred eighty-seven,

1 relating to the department of natural resources (WV/NPDES
2 regulations for coal mining facilities), are authorized.

3 (r) The legislative rules filed in the state register on the
4 tenth day of June, one thousand nine hundred eighty-seven,
5 relating to the director of the department of natural resources
6 (outfitters and guides), are authorized.

7 (s) The legislative rules filed in the state register on the
8 ninth day of January, one thousand nine hundred eighty-seven,
9 relating to the department of natural resources (hazardous waste
10 management regulations), are authorized.

11 (t) The legislative rules filed in the state register on the
12 fifth day of March, one thousand nine hundred eighty-seven,
13 relating to the department of natural resources (hazardous waste
14 management regulations, series 35), are authorized.

15 (u) The legislative rules filed in the state register on the
16 seventh day of December, one thousand nine hundred eighty-seven,
17 relating to the department of natural resources (hazardous waste
18 management regulations, series 35), are authorized.

19 (v) The legislative rules filed in the state register on the
20 sixteenth day of December, one thousand nine hundred
21 eighty-seven, modified by the department of natural resources to
22 meet the objections of the legislative rule-making review
23 committee and refiled in the state register on the fourteenth day
24 of January, one thousand nine hundred eighty-eight, relating to

1 the department of natural resources (solid waste management), are
2 authorized.

3 (w) The legislative rules filed in the state register on the
4 twenty-eighth day of July, one thousand nine hundred
5 eighty-seven, modified by the director of the department of
6 natural resources to meet the objections of the legislative
7 rule-making review committee and refiled in the state register
8 on the seventh day of August, one thousand nine hundred
9 eighty-seven, relating to the director of the department of
10 natural resources (boating regulations), are authorized with the
11 amendment set forth below:

12 On page 16, section 6.2, line 3 by inserting following the
13 period "This regulation does not apply to licensed outfitters
14 and guides." These rules were proposed by the director of the
15 department of natural resources pursuant to section seven,
16 article one and section twenty-two, article seven, chapter twenty
17 of this code.

18 (x) The legislative rules filed in the state register on the
19 second day of September, one thousand nine hundred eighty-eight,
20 modified by the department of natural resources to meet the
21 objections of the legislative rule-making review committee and
22 refiled in the state register on the seventeenth day of October,
23 one thousand nine hundred eighty-eight, relating to the
24 department of natural resources (hazardous waste management), are
25 authorized.

1 (y) The legislative rules filed in the state register on the
2 thirty-first day of August, one thousand nine hundred
3 eighty-eight, relating to the director of the department of
4 natural resources (boating), are authorized.

5 (z) The legislative rules filed in the state register on the
6 eighth day of March, one thousand nine hundred eighty-eight,
7 modified by the director of the department of natural resources
8 to meet the objections of the legislative rule-making review
9 committee and refiled in the state register on the thirtieth day
10 of August, one thousand nine hundred eighty-eight, relating to
11 the director of the department of natural resources (commercial
12 sale of wildlife), are authorized.

13 (aa) The legislative rules filed in the state register on
14 the twenty-seventh day of January, one thousand nine hundred
15 eighty-eight, relating to the director of the department of
16 natural resources (catching and selling bait fish), are
17 authorized.

18 (bb) The legislative rules filed in the state register on
19 the twenty-fifth day of March, one thousand nine hundred
20 eighty-eight, relating to the director of the department of
21 natural resources (West Virginia public hunting and fishing
22 areas), are authorized with the following amendment:

23 On page three, section 3.8.4, by inserting after the word
24 "vehicle" the following: ", all terrain vehicle (ATV)."

1 (cc) The legislative rules filed in the state register on the
2 seventeenth day of March, one thousand nine hundred eighty-nine,
3 modified by the division of natural resources to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the sixteenth day of January,
6 one thousand nine hundred ninety, relating to the division of
7 natural resources (solid waste management), are authorized with
8 the amendments set forth below:

9 On page 13, Section 3.2.6, by deleting the current language
10 and inserting in lieu thereof the following:

11 "3.2.6. Within two hundred (200) feet of faults that have
12 had displacement in Holocene time (i.e., during the last eleven
13 thousand years);"

14 On page 64, Section 3.14.25, by deleting the current language
15 and inserting in lieu thereof the following language:

16 "3.14.25. Environmental Compliance History. The chief or
17 the director may refuse to grant any permit if he has reasonable
18 cause to believe, as indicated by documented evidence, that the
19 applicant, or any officer, director or manager, thereof, or
20 shareholder owning twenty percent (20%) or more of its capital
21 stock, beneficial or otherwise, or other person conducting or
22 managing the affairs of the applicant or of the proposed
23 permitted premises, in whole or part, has exhibited a pattern of
24 violation of the environmental statutes or regulations of this
25 State, any other state, or the federal government."

1 On page 104, section 4.5.4.a, by inserting after the words
2 "at that landfill" the following:

3 "Nothing within these regulations shall be construed to allow
4 the installations of any liner or system on areas not lined as of
5 November 30, 1989, that is not in conformance with section
6 4.5.4.a.E or 4.5.4.a.G of these regulations. Landfills that do
7 have an article 5f permit and a liner installed as of November
8 30, 1989, may install a liner as approved by the chief."

9 And,

10 On pages 147 through 151, sections 4.11.5 and 4.11.6, by
11 deleting the current language and inserting in lieu thereof the
12 following:

13 "4.11.5. Corrective Action Program.

14 Whenever a statistically significant increase is found in a
15 Phase II or Phase III monitoring parameter, or when groundwater
16 contamination is otherwise identified by the Chief at sites
17 without monitoring programs, which is determined by the Chief to
18 have resulted in a significant adverse effect on an aquifer, and
19 which is attributable to a solid waste facility, the Chief may
20 require appropriate corrective or remedial action pursuant to W.
21 Va. Code Chapter 20, article 5A, and Chapter 20, article 5F to
22 abate, remediate or correct such pollution. Any such corrective
23 or remedial action order shall take into account any applicable
24 groundwater quality protection standards, the existing use of

1 such waters, the reasonable uses of such waters, background water
2 quality, and the protection of human health and the environment."

3 (dd) The legislative rules filed in the state register on the
4 seventeenth day of February, one thousand nine hundred
5 eighty-nine, relating to the director of the department of
6 natural resources (underground storage tanks), are authorized.

7 (ee) The legislative rules filed in the state register on the
8 twenty-seventh day of January, one thousand nine hundred
9 eighty-nine, relating to the director of the department of
10 natural resources (transporting and selling wildlife pelts), are
11 authorized.

12 (ff) The legislative rules filed in the state register on
13 the seventeenth day of February, one thousand nine hundred
14 eighty-nine, modified by the director of the department of
15 natural resources to meet the objections of the legislative
16 rule-making review committee and refiled in the state register on
17 the ninth day of August, one thousand nine hundred eighty-nine,
18 relating to the director of the department of natural resources
19 (underground storage tank fee assessments), are authorized.

20 (gg) The legislative rules filed in the state register on
21 the twenty-fourth day of April, one thousand nine hundred
22 eighty-nine, modified by the director of the department of
23 natural resources to meet the objections of the legislative
24 rule-making review committee and refiled in the state register
25 on the twenty-second day of May, one thousand nine hundred

1 eighty-nine, relating to the director of the department of
2 natural resources (public hunting and fishing areas), are
3 authorized.

4 (hh) The legislative rules filed in the state register on the
5 first day of December, one thousand nine hundred eighty-nine,
6 relating to the department of natural resources (water pollution
7 control permit fee schedules), are authorized with the amendments
8 set forth below:

9 On page five, section 3.3, by deleting the following:
10 "Submitted fees are not refundable."

11 On page two, after section 2.6, by inserting the following:

12 "Customer" means any person that purchases waste disposal
13 services from a facility permitted under article five-a, chapter
14 twenty of the code of West Virginia, one thousand nine hundred
15 thirty-one, as amended. For the purposes of these regulations,
16 commercial and other non-single family dwelling customers shall
17 be translated into customer equivalents by dividing the total
18 daily estimated volume of waste water by three hundred and fifty
19 gallons per day." and renumbering the remaining subsections.

20 On page nine, section 7.2, by striking out the words "seven
21 hundred fifty dollars (\$750)." and inserting in lieu thereof the
22 following:

23 "determined using Table D, but in no case shall be less than
24 two hundred fifty dollars (\$250)."

25 And,

1 On page thirteen, by striking out all of Table D, Schedule of
2 Annual Permit Fees, and inserting in lieu thereof a new Table D,
3 designated "Schedule of Annual Permit Fees", to read as follows:

4 "TABLE D

5 SCHEDULE OF ANNUAL PERMIT FEES

6 SEWAGE FACILITIES

7 Number of Customers	Annual Permit Fee
8 less than 1000	\$ 250
9 1000 to 1499	\$ 500
10 1500 to 1999	\$ 750
11 2000 to 2499	\$ 1000
12 2500 to 2999	\$ 1250
13 3000 to 3499	\$ 1500
14 3500 to 3999	\$ 1750
15 4000 to 4499	\$ 2000
16 4500 to 4999	\$ 2250
17 greater than 5000	\$ 2500

18 INDUSTRIAL OR OTHER WASTE FACILITIES

19 Average Discharge Volume	Annual Permit Fee
20 (gallons per day)	
21 less than 1,000	\$ 50
22 1,001 to 10,000	\$ 500
23 10,001 to 50,000	\$ 1000
24 greater than 50,000	\$ 2500"

1 (ii) The legislative rules filed in the state register on the
2 twenty-fifth day of July, one thousand nine hundred eighty-nine,
3 modified by the director of the department of natural resources
4 to meet the objections of the legislative rule-making review
5 committee and refiled in the state register on the fifteenth day
6 of September, one thousand nine hundred eighty-nine, relating to
7 the director of the department of natural resources (revocation
8 of hunting and fishing licenses), are authorized.

9 (jj) The legislative rules filed in the state register on the
10 twentieth day of December, one thousand nine hundred eighty-nine,
11 modified by the division of natural resources to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the twenty-fourth day of
14 January, one thousand nine hundred ninety, relating to the
15 division of natural resources (state water pollution control
16 revolving fund program), are authorized.

17 (kk) The legislative rules filed in the state register on the
18 twenty-ninth day of March, one thousand nine hundred ninety,
19 modified by the division of natural resources to meet the
20 objections of the legislative rule-making review committee and
21 refiled in the state register on the thirtieth day of August, one
22 thousand nine hundred ninety, relating to the division of natural
23 resources (assessment of civil administrative penalties), are
24 authorized.

1 (11) The legislative rules filed in the state register on the
2 sixth day of August, one thousand nine hundred ninety, relating
3 to the division of natural resources (water pollution control
4 permit fee schedules), are authorized.

5 (mm) The legislative rules filed in the state register on the
6 fifteenth day of June, one thousand nine hundred ninety, modified
7 by the division of natural resources to meet the objections of
8 the legislative rule-making review committee and refiled in the
9 state register on the twenty-second day of August, one thousand
10 nine hundred ninety, relating to the division of natural
11 resources (underground storage tank insurance trust fund), are
12 authorized with the amendment set forth below:

13 On page four, after subsection 5.1, by inserting a new
14 subdivision 5.1.1 to read as follows:

15 "5.1.1 The fee shall be one hundred dollars per tank per
16 year (\$100/tank/year) for a period of not less than one (1) year
17 and not more than three (3) years. Second and third year
18 capitalization fees may be levied if there is an inadequate
19 surplus of funds, as determined by the Board of Risk and
20 Insurance Management, the Division of Natural Resources and the
21 Underground Storage Tank Advisory Committee pursuant to W. Va.
22 Code, §20-5H-7."

23 (nn) The legislative rules filed in the state register on the
24 thirteenth day of August, one thousand nine hundred ninety,
25 modified by the division of natural resources to meet the

1 objections of the legislative rule-making review committee and
2 refiled in the state register on the second day of October, one
3 thousand nine hundred ninety, relating to the division of natural
4 resources (underground storage tanks), are authorized with the
5 amendment set forth below:

6 On page four, section five, subsection 5.1, after the word
7 "requirements" by striking out the remainder of the subsection
8 and inserting in lieu thereof, the following:

9 "of Title 47, Series 37 (Underground Storage Tank Fee
10 Assessments); Title 47, Series 36, Section 4 (Notification
11 Requirements); and Title 47, Series 37A, Section 5
12 (Capitalization Fees) of the Code of State Regulations and the
13 owner or operator presents proof of the certification to the
14 carrier."

15 (oo) The legislative rules filed in the state register on the
16 thirteenth day of August, one thousand nine hundred ninety,
17 relating to the division of natural resources (dam safety), are
18 authorized.

19 (pp) The legislative rules filed in the state register on the
20 thirteenth day of August, one thousand nine hundred ninety,
21 modified by the division of natural resources to meet the
22 objections of the legislative rule-making review committee and
23 refiled in the state register on the twenty-eighth day of
24 November, one thousand nine hundred ninety, relating to the

1 division of natural resources (hazardous waste management), are
2 authorized.

3 (qq) The legislative rules filed in the state register on the
4 first day of July, one thousand nine hundred ninety-one, modified
5 by the division of natural resources to meet the objections of
6 the legislative rule-making review committee and refiled in the
7 state register on the nineteenth day of September, one thousand
8 nine hundred ninety-one, relating to the division of natural
9 resources (special motorboating regulations), are authorized.

10 (rr) The legislative rules filed in the state register on the
11 first day of May, one thousand nine hundred ninety-one, modified
12 by the division of natural resources to meet the objections of
13 the legislative rule-making review committee and refiled in the
14 state register on the twenty-second day of July, one thousand
15 nine hundred ninety-one, relating to the division of natural
16 resources (special fishing regulations), are authorized with the
17 amendment set forth below:

18 On page one, by striking out subsection 2.1 and inserting in
19 lieu thereof, a new subsection 2.1, to read as follows:

20 "2.1 "Daylight hours" means the time period between sixty
21 minutes before sunrise and sixty minutes after sunset."

22 (ss) The legislative rules filed in the state register on the
23 first day of July, one thousand nine hundred ninety-one, modified
24 by the division of natural resources to meet the objections of
25 the legislative rule-making review committee and refiled in the

1 state register on the twenty-first day of November, one thousand
2 nine hundred ninety-one, relating to the division of natural
3 resources (boating regulations), are authorized.

4 (tt) The Legislature hereby authorizes and directs the
5 division of natural resources to promulgate the legislative rule
6 relating to water pollution control permit fee schedules, 47 CSR
7 26, effective the twenty-second day of April, one thousand nine
8 hundred ninety-one, with the amendment set forth below:

9 On page eight, subdivision 7.4.1, at the end of the
10 subdivision by striking the period and adding the following:

11 "": Provided, That if the chief determines that a facility is
12 in substantial compliance with its existing permit, the fee is
13 one thousand two hundred fifty dollars (\$1,250.00)."

14 (uu) The Legislature hereby authorizes and directs the
15 division of natural resources to amend its rules relating to
16 water pollution control permit fee schedules which were filed in
17 the code of state regulations (47 CSR 26) on the thirteenth day
18 of April, one thousand nine hundred ninety-two, with the
19 following amendments set forth below:

20 On page nine, after section 7.5, by inserting the following:

21 "7.6. Facilities Discharging Stormwater. The annual permit
22 fee for a facility that discharges stormwater only shall be
23 determined through the use of Table F of these regulations.

24 7.7. Aquaculture facilities. The annual permit fees for
25 aquaculture facilities that are subject to the provisions of the

1 water pollution control regulations shall be determined by Table
2 G of these regulations."

3 And after Table E, on page ten, by inserting Table F,
4 designated "Schedule of Annual Permit Fees For Facilities
5 Discharging Stormwater," and inserting Table G, designated
6 "Schedule of Annual Permit Fees For Aquaculture Facilities" to
7 read as follows:

8 "TABLE F
9 SCHEDULE OF ANNUAL PERMIT FEES FOR
10 FACILITIES DISCHARGING
11 STORMWATER

12 Average Discharge Volume	13 Annual Permit Fee
14 (gallons per day)	
15 less than 5,001	\$ 50
16 5,001 to 15,000	\$ 125
17 15,001 to 50,000	\$ 250
18 50,001 to 100,000	\$ 500
19 greater than 100,000	\$ 750"

20 and

21 "TABLE G
22 SCHEDULE OF ANNUAL PERMIT FEES FOR
23 AQUACULTURE FACILITIES

24 #Feed/Month	25 Annual Fee	Application Fee (Initial and Reissuance)
5,000 to 9,999	\$ 250	\$ 250

1	10,000 to 14,999	\$ 500	\$ 250
2	15,000 to 19,999	\$ 750	\$ 250
3	20,000 to 24,999	\$ 1,000	\$ 250
4	25,000 to 29,999	\$ 1,250	\$ 250
5	greater than 30,000	\$ 1,750	\$ 250"

6 (vv) The legislative rules filed in the state register on the
7 seventeenth day of September, one thousand nine hundred
8 ninety-two, modified by the division of natural resources to
9 meet the objections of the legislative rule-making review
10 committee and refiled in the state register on the sixteenth day
11 of December, one thousand nine hundred ninety-two, relating to
12 the division of natural resources (commercial sale of wildlife),
13 are authorized.

14 (ww) The legislative rules filed in the state register on the
15 ninth day of September, one thousand nine hundred ninety-two,
16 modified by the division of natural resources to meet the
17 objections of the legislative rule-making review committee and
18 refiled in the state register on the seventh day of December, one
19 thousand nine hundred ninety-two, relating to the division of
20 natural resources (deer hunting), are authorized.

21 (xx) The legislative rules filed in the state register on the
22 ninth day of September, one thousand nine hundred ninety-two,
23 modified by the division of natural resources to meet the
24 objections of the legislative rule-making review committee and
25 refiled in the state register on the seventh day of December, one

1 thousand nine hundred ninety-two, relating to the division of
2 natural resources (defining the terms to be used concerning all
3 hunting and trapping regulations), are authorized.

4 (yy) The legislative rules filed in the state register on the
5 ninth day of September, one thousand nine hundred ninety-two,
6 modified by the division of natural resources to meet the
7 objections of the legislative rule-making review committee and
8 refiled in the state register on the seventh day of December, one
9 thousand nine hundred ninety-two, relating to the division of
10 natural resources (dog training), are authorized.

11 (zz) The legislative rules filed in the state register on the
12 ninth day of September, one thousand nine hundred ninety-two,
13 modified by the division of natural resources to meet the
14 objections of the legislative rule-making review committee and
15 refiled in the state register on the seventh day of December, one
16 thousand nine hundred ninety-two, relating to the division of
17 natural resources (general hunting regulations), are authorized.

18 (aaa) The legislative rules filed in the state register on
19 the ninth day of September, one thousand nine hundred ninety-two,
20 modified by the division of natural resources to meet the
21 objections of the legislative rule-making review committee and
22 refiled in the state register on the seventh day of December, one
23 thousand nine hundred ninety-two, relating to the division of
24 natural resources (general trapping regulations), are authorized.

1 (bbb) The legislative rules filed in the state register on
2 the ninth day of September, one thousand nine hundred ninety-two,
3 modified by the division of natural resources to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the seventh day of December, one
6 thousand nine hundred ninety-two, relating to the division of
7 natural resources (special migratory bird hunting regulations),
8 are authorized.

9 (ccc) The legislative rules filed in the state register on
10 the ninth day of September, one thousand nine hundred ninety-two,
11 modified by the division of natural resources to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the seventh day of December, one
14 thousand nine hundred ninety-two, relating to the division of
15 natural resources (prohibitions when hunting and trapping), are
16 authorized with the amendments set forth below:

17 On page two, subsection 3.9., by striking out the words 'No
18 person may use portable tree stands on public lands' and
19 inserting in lieu thereof the words 'No person may use tree
20 stands, except for portable tree stands, on public lands.'

21 (ddd) The legislative rules filed in the state register on
22 the twenty-first day of April, one thousand nine hundred
23 ninety-two, modified by the division of natural resources to meet
24 the objections of the legislative rule-making review committee
25 and refiled in the state register on the sixteenth day of

1 December, one thousand nine hundred ninety-two, relating to the
2 division of natural resources (revocation of hunting and fishing
3 licenses), are authorized with the amendments set forth below:

4 "On page two, subsection 4.1., by striking out the word
5 'court' and inserting in lieu thereof the word 'commission'";

6 And,

7 "On page two, subdivision 4.1.1, by striking out the word
8 'court' and inserting in lieu thereof the word 'commission'."

9 (eee) The legislative rules filed in the state register on
10 the ninth day of September, one thousand nine hundred ninety-two,
11 modified by the division of natural resources to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the seventh day of December, one
14 thousand nine hundred ninety-two, relating to the division of
15 natural resources (special bear hunting regulations), are
16 authorized.

17 (fff) The legislative rules filed in the state register on
18 the seventeenth day of September, one thousand nine hundred
19 ninety-two, modified by the division of natural resources to meet
20 the objections of the legislative rule-making review committee
21 and refiled in the state register on the sixteenth day of
22 December, one thousand nine hundred ninety-two, relating to the
23 division of natural resources (special requirements concerning
24 boating), are authorized with the following amendment set forth
25 below:

1 On page one, after subdivision 3.1, by inserting a new
2 subdivision, designated 3.2, to read as follows:

3 3.2. The Pipestem Creek Cove portion of Bluestone Lake in
4 Bluestone State Park is designated for marina use only and is
5 restricted from fishing and other recreational use not directly
6 related to use as a marina.

7 (ggg) The legislative rules filed in the state register on
8 the ninth day of September, one thousand nine hundred ninety-two,
9 modified by the division of natural resources to meet the
10 objections of the legislative rule-making review committee and
11 refiled in the state register on the seventh day of December, one
12 thousand nine hundred ninety-two, relating to the division of
13 natural resources (special waterfowl hunting regulations), are
14 authorized.

15 (hhh) The legislative rules filed in the state register on
16 the ninth day of September, one thousand nine hundred ninety-two,
17 modified by the division of natural resources to meet the
18 objections of the legislative rule-making review committee and
19 refiled in the state register on the seventh day of December, one
20 thousand nine hundred ninety-two, relating to the division of
21 natural resources (wild boar hunting), are authorized.

22 (iii) The legislative rules filed in the state register on
23 the ninth day of September, one thousand nine hundred ninety-two,
24 modified by the division of natural resources to meet the
25 objections of the legislative rule-making review committee and

1 refiled in the state register on the seventh day of December, one
2 thousand nine hundred ninety-two, relating to the division of
3 natural resources (wild turkey hunting), are authorized.

4 (jjj) The legislative rules filed in the state register on
5 the tenth day of September, one thousand nine hundred ninety-two,
6 modified by the division of natural resources to meet the
7 objections of the legislative rule-making review committee and
8 refiled in the state register on the eighth day of December, one
9 thousand nine hundred ninety-two, relating to the division of
10 natural resources (West Virginia wildlife management areas), are
11 authorized.

12 (kkk) The legislative rules filed in the state register on
13 the seventeenth day of September, one thousand nine hundred
14 ninety-two, modified by the division of natural resources to meet
15 the objections of the legislative rule-making review committee
16 and refiled in the state register on the twenty-fifth day of
17 January, one thousand nine hundred ninety-three, relating to the
18 division of natural resources (recycling assistance fund grant
19 program), are authorized.

20 (lll) The legislative rules filed in the state register on
21 the seventeenth day of August, one thousand nine hundred ninety-
22 three, modified by the division of natural resources to meet the
23 objections of the legislative rule-making review committee and
24 refiled in the state register on the ninth day of November, one

1 thousand nine hundred ninety-three, relating to the division of
2 natural resources (special fishing), are authorized.

3

4 NOTE: The purpose of this bill is to authorize the Division
5 of Natural Resources to promulgate legislative rules relating to
6 special fishing.

7

8 Strike-throughs indicate language that would be stricken from
9 the present law, and underscoring indicates new language that
10 would be added.

1 relating to the department of natural resources (surface mining),
2 are authorized with the amendments set forth below:

3 Page 3-4, §3E.01 by adding after the word "engineer" the
4 words "or licensed land surveyor."

5 Page 3-5, §3E.02, subsection (a), by adding after the word
6 "mining" the words "or civil."

7 And,

8 Page 3-5, §3E.02, subsection (b), by adding after the first
9 sentence -- "Those persons who have been approved to date need
10 not make said demonstration."

11 (b) The legislative rules filed in the state register on the
12 twentieth day of January, one thousand nine hundred eighty-four,
13 relating to the department of natural resources (solid waste
14 management), are authorized with the amendments set forth below:

15 Page 9, section 4.04, line five, add the following paragraph:

16 "Upon request of any applicant, the division shall meet with
17 the applicant for pre-filing review of the application. The
18 division, with the cooperation of the solid waste authority,
19 shall assist the applicant in preparing a complete and proper
20 application which would not be rejected as incomplete."

21 On page 15, section 6.03(c)(1) in the first full sentence,
22 after the word "cease", strike the remainder of the sentence and
23 insert in lieu thereof the words "within fifteen (15) days of
24 receipt of an order of suspension" and in the second sentence
25 strike the word "recommence" and insert the words "continue

1 beyond fifteen (15) days"; (c)(2) in the first full sentence,
2 after the word "cease" by striking out the remainder of the
3 sentence and insert in lieu thereof the words "immediately upon
4 receipt of an order of revocation."

5 (c) The legislative rules filed in the state register on the
6 twenty-sixth day of September, one thousand nine hundred
7 eighty-four, relating to the department of natural resources
8 (public use of state parks, forests, hunting and fishing areas),
9 are authorized.

10 (d) The legislative rules filed in the state register on the
11 seventh day of November, one thousand nine hundred eighty-four,
12 relating to the department of natural resources (surface mining
13 reclamation), are authorized.

14 (e) The legislative rules filed in the state register on the
15 seventh day of November, one thousand nine hundred eighty-four,
16 relating to the department of natural resources (coal refuse
17 disposal), are authorized.

18 (f) The legislative rules filed in the state register on the
19 ninth day of November, one thousand nine hundred eighty-four,
20 relating to the department of natural resources (transfer of the
21 state national pollutant discharge elimination system program),
22 are authorized with the amendment set forth below:

23 Page 10-5, by striking §10B.19 and inserting in lieu thereof
24 a new §10B.19, to read as follows: "'Effluent limitations
25 guidelines' means a regulation published by the Administrator

1 under Section 304(b) or Section 301(b)(1)(B) of the CWA to adopt
2 or revise effluent limitations or levels of effluent quality
3 attainable through the application of secondary or equivalent
4 treatment. For the coal industry these regulations are published
5 at 40 C.F.R. Parts 434 and 133. (See: Appendix G and H)."

6 (g) The legislative rules filed in the state register on the
7 twenty-eighth day of August, one thousand nine hundred
8 eighty-four, relating to the department of natural resources
9 (small arms hunting), are authorized.

10 (h) The legislative rules filed in the state register on the
11 sixth day of January, one thousand nine hundred eighty-four,
12 relating to the department of natural resources (hazardous waste
13 management), are authorized.

14 (i) The legislative rules filed in the state register on the
15 third day of December, one thousand nine hundred eighty-four,
16 modified by the department of natural resources to meet the
17 objections of the legislative rule-making review committee and
18 refiled in the state register on the thirteenth day of February,
19 one thousand nine hundred eighty-five, relating to the department
20 of natural resources (hazardous waste management), are
21 authorized.

22 (j) The legislative rules filed in the state register on the
23 tenth day of October, one thousand nine hundred eighty-five,
24 relating to the department of natural resources (hazardous waste
25 management: Small quantity generators and waste minimization

1 certification), are authorized with the amendment set forth
2 below:

3 On page 1, §3.1.4b, delete the word "or" in the reference to
4 "paragraph (g) or (j)" and insert in lieu thereof the words "and,
5 if applicable."

6 (k) The legislative rules filed in the state register on the
7 ninth day of September, one thousand nine hundred eighty-five,
8 relating to the department of natural resources (WV/NPDES
9 regulations for the coal mining point source category and related
10 sewage facilities), are authorized.

11 (l) The legislative rules filed in the state register on the
12 eleventh day of December, one thousand nine hundred eighty-five,
13 modified by the department of natural resources to meet the
14 objections of the legislative rule-making review committee and
15 refiled in the state register on the twentieth day of February,
16 one thousand nine hundred eighty-six, relating to the department
17 of natural resources (hazardous waste management), are
18 authorized.

19 (m) The legislative rules filed in the state register on the
20 twenty-sixth day of September, one thousand nine hundred
21 eighty-six, modified by the department of natural resources to
22 meet the objections of the legislative rule-making review
23 committee and refiled in the state register on the ninth day of
24 December, one thousand nine hundred eighty-six, relating to the

1 department of natural resources (hazardous waste management
2 regulations), are authorized.

3 (n) The legislative rules filed in the state register on the
4 seventh day of August, one thousand nine hundred eighty-six,
5 relating to the director of the department of natural resources
6 (procedures for transporting and dealing in furbearing animals),
7 are authorized.

8 (o) The legislative rules filed in the state register on the
9 thirtieth day of December, one thousand nine hundred eighty-six,
10 relating to the department of natural resources (WV/NPDES program
11 for coal mines and preparation plants, and the refuse and waste
12 therefrom), are authorized with the amendments set forth below:

13 On page four, §1.9.1.a by inserting the words "five thousand
14 dollars or" after the words "'significant portion of income'
15 means."

16 And,

17 On page four, §1.9.1.a by inserting the words "whichever is
18 less," after the words "ten percent or more of gross personal
19 income for a calendar year."

20 (p) The legislative rules filed in the state register on the
21 fifth day of March, one thousand nine hundred eighty-six,
22 relating to the department of natural resources (hazardous waste
23 management), are authorized.

24 (q) The legislative rules filed in the state register on the
25 twelfth day of August, one thousand nine hundred eighty-seven,

1 relating to the department of natural resources (WV/NPDES
2 regulations for coal mining facilities), are authorized.

3 (r) The legislative rules filed in the state register on the
4 tenth day of June, one thousand nine hundred eighty-seven,
5 relating to the director of the department of natural resources
6 (outfitters and guides), are authorized.

7 (s) The legislative rules filed in the state register on the
8 ninth day of January, one thousand nine hundred eighty-seven,
9 relating to the department of natural resources (hazardous waste
10 management regulations), are authorized.

11 (t) The legislative rules filed in the state register on the
12 fifth day of March, one thousand nine hundred eighty-seven,
13 relating to the department of natural resources (hazardous waste
14 management regulations, series 35), are authorized.

15 (u) The legislative rules filed in the state register on the
16 seventh day of December, one thousand nine hundred eighty-seven,
17 relating to the department of natural resources (hazardous waste
18 management regulations, series 35), are authorized.

19 (v) The legislative rules filed in the state register on the
20 sixteenth day of December, one thousand nine hundred
21 eighty-seven, modified by the department of natural resources to
22 meet the objections of the legislative rule-making review
23 committee and refiled in the state register on the fourteenth day
24 of January, one thousand nine hundred eighty-eight, relating to

1 the department of natural resources (solid waste management), are
2 authorized.

3 (w) The legislative rules filed in the state register on the
4 twenty-eighth day of July, one thousand nine hundred
5 eighty-seven, modified by the director of the department of
6 natural resources to meet the objections of the legislative
7 rule-making review committee and refiled in the state register
8 on the seventh day of August, one thousand nine hundred
9 eighty-seven, relating to the director of the department of
10 natural resources (boating regulations), are authorized with the
11 amendment set forth below:

12 On page 16, section 6.2, line 3 by inserting following the
13 period "This regulation does not apply to licensed outfitters
14 and guides." These rules were proposed by the director of the
15 department of natural resources pursuant to section seven,
16 article one and section twenty-two, article seven, chapter twenty
17 of this code.

18 (x) The legislative rules filed in the state register on the
19 second day of September, one thousand nine hundred eighty-eight,
20 modified by the department of natural resources to meet the
21 objections of the legislative rule-making review committee and
22 refiled in the state register on the seventeenth day of October,
23 one thousand nine hundred eighty-eight, relating to the
24 department of natural resources (hazardous waste management), are
25 authorized.

1 (y) The legislative rules filed in the state register on the
2 thirty-first day of August, one thousand nine hundred
3 eighty-eight, relating to the director of the department of
4 natural resources (boating), are authorized.

5 (z) The legislative rules filed in the state register on the
6 eighth day of March, one thousand nine hundred eighty-eight,
7 modified by the director of the department of natural resources
8 to meet the objections of the legislative rule-making review
9 committee and refiled in the state register on the thirtieth day
10 of August, one thousand nine hundred eighty-eight, relating to
11 the director of the department of natural resources (commercial
12 sale of wildlife), are authorized.

13 (aa) The legislative rules filed in the state register on
14 the twenty-seventh day of January, one thousand nine hundred
15 eighty-eight, relating to the director of the department of
16 natural resources (catching and selling bait fish), are
17 authorized.

18 (bb) The legislative rules filed in the state register on
19 the twenty-fifth day of March, one thousand nine hundred
20 eighty-eight, relating to the director of the department of
21 natural resources (West Virginia public hunting and fishing
22 areas), are authorized with the following amendment:

23 On page three, section 3.8.4, by inserting after the word
24 "vehicle" the following: ", all terrain vehicle (ATV)."

1 (cc) The legislative rules filed in the state register on the
2 seventeenth day of March, one thousand nine hundred eighty-nine,
3 modified by the division of natural resources to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the sixteenth day of January,
6 one thousand nine hundred ninety, relating to the division of
7 natural resources (solid waste management), are authorized with
8 the amendments set forth below:

9 On page 13, Section 3.2.6, by deleting the current language
10 and inserting in lieu thereof the following:

11 "3.2.6. Within two hundred (200) feet of faults that have
12 had displacement in Holocene time (i.e., during the last eleven
13 thousand years);"

14 On page 64, Section 3.14.25, by deleting the current language
15 and inserting in lieu thereof the following language:

16 "3.14.25. Environmental Compliance History. The chief or
17 the director may refuse to grant any permit if he has reasonable
18 cause to believe, as indicated by documented evidence, that the
19 applicant, or any officer, director or manager, thereof, or
20 shareholder owning twenty percent (20%) or more of its capital
21 stock, beneficial or otherwise, or other person conducting or
22 managing the affairs of the applicant or of the proposed
23 permitted premises, in whole or part, has exhibited a pattern of
24 violation of the environmental statutes or regulations of this
25 State, any other state, or the federal government."

1 On page 104, section 4.5.4.a, by inserting after the words
2 "at that landfill" the following:

3 "Nothing within these regulations shall be construed to allow
4 the installations of any liner or system on areas not lined as of
5 November 30, 1989, that is not in conformance with section
6 4.5.4.a.E or 4.5.4.a.G of these regulations. Landfills that do
7 have an article 5f permit and a liner installed as of November
8 30, 1989, may install a liner as approved by the chief."

9 And,

10 On pages 147 through 151, sections 4.11.5 and 4.11.6, by
11 deleting the current language and inserting in lieu thereof the
12 following:

13 "4.11.5. Corrective Action Program.

14 Whenever a statistically significant increase is found in a
15 Phase II or Phase III monitoring parameter, or when groundwater
16 contamination is otherwise identified by the Chief at sites
17 without monitoring programs, which is determined by the Chief to
18 have resulted in a significant adverse effect on an aquifer, and
19 which is attributable to a solid waste facility, the Chief may
20 require appropriate corrective or remedial action pursuant to W.
21 Va. Code Chapter 20, article 5A, and Chapter 20, article 5F to
22 abate, remediate or correct such pollution. Any such corrective
23 or remedial action order shall take into account any applicable
24 groundwater quality protection standards, the existing use of

1 such waters, the reasonable uses of such waters, background water
2 quality, and the protection of human health and the environment."

3 (dd) The legislative rules filed in the state register on the
4 seventeenth day of February, one thousand nine hundred
5 eighty-nine, relating to the director of the department of
6 natural resources (underground storage tanks), are authorized.

7 (ee) The legislative rules filed in the state register on the
8 twenty-seventh day of January, one thousand nine hundred
9 eighty-nine, relating to the director of the department of
10 natural resources (transporting and selling wildlife pelts), are
11 authorized.

12 (ff) The legislative rules filed in the state register on
13 the seventeenth day of February, one thousand nine hundred
14 eighty-nine, modified by the director of the department of
15 natural resources to meet the objections of the legislative
16 rule-making review committee and refiled in the state register on
17 the ninth day of August, one thousand nine hundred eighty-nine,
18 relating to the director of the department of natural resources
19 (underground storage tank fee assessments), are authorized.

20 (gg) The legislative rules filed in the state register on
21 the twenty-fourth day of April, one thousand nine hundred
22 eighty-nine, modified by the director of the department of
23 natural resources to meet the objections of the legislative
24 rule-making review committee and refiled in the state register
25 on the twenty-second day of May, one thousand nine hundred

1 eighty-nine, relating to the director of the department of
2 natural resources (public hunting and fishing areas), are
3 authorized.

4 (hh) The legislative rules filed in the state register on the
5 first day of December, one thousand nine hundred eighty-nine,
6 relating to the department of natural resources (water pollution
7 control permit fee schedules), are authorized with the amendments
8 set forth below:

9 On page five, section 3.3, by deleting the following:
10 "Submitted fees are not refundable."

11 On page two, after section 2.6, by inserting the following:

12 "Customer" means any person that purchases waste disposal
13 services from a facility permitted under article five-a, chapter
14 twenty of the code of West Virginia, one thousand nine hundred
15 thirty-one, as amended. For the purposes of these regulations,
16 commercial and other non-single family dwelling customers shall
17 be translated into customer equivalents by dividing the total
18 daily estimated volume of waste water by three hundred and fifty
19 gallons per day." and renumbering the remaining subsections.

20 On page nine, section 7.2, by striking out the words "seven
21 hundred fifty dollars (\$750)." and inserting in lieu thereof the
22 following:

23 "determined using Table D, but in no case shall be less than
24 two hundred fifty dollars (\$250)."

25 And,

1 On page thirteen, by striking out all of Table D, Schedule of
 2 Annual Permit Fees, and inserting in lieu thereof a new Table D,
 3 designated "Schedule of Annual Permit Fees", to read as follows:

4 "TABLE D

5 SCHEDULE OF ANNUAL PERMIT FEES

6 SEWAGE FACILITIES

7 Number of Customers	Annual Permit Fee
8 less than 1000	\$ 250
9 1000 to 1499	\$ 500
10 1500 to 1999	\$ 750
11 2000 to 2499	\$ 1000
12 2500 to 2999	\$ 1250
13 3000 to 3499	\$ 1500
14 3500 to 3999	\$ 1750
15 4000 to 4499	\$ 2000
16 4500 to 4999	\$ 2250
17 greater than 5000	\$ 2500

18 INDUSTRIAL OR OTHER WASTE FACILITIES

19 Average Discharge Volume 20 (gallons per day)	Annual Permit Fee
21 less than 1,000	\$ 50
22 1,001 to 10,000	\$ 500
23 10,001 to 50,000	\$ 1000
24 greater than 50,000	\$ 2500 ⁿ

1 (ii) The legislative rules filed in the state register on the
2 twenty-fifth day of July, one thousand nine hundred eighty-nine,
3 modified by the director of the department of natural resources
4 to meet the objections of the legislative rule-making review
5 committee and refiled in the state register on the fifteenth day
6 of September, one thousand nine hundred eighty-nine, relating to
7 the director of the department of natural resources (revocation
8 of hunting and fishing licenses), are authorized.

9 (jj) The legislative rules filed in the state register on the
10 twentieth day of December, one thousand nine hundred eighty-nine,
11 modified by the division of natural resources to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the twenty-fourth day of
14 January, one thousand nine hundred ninety, relating to the
15 division of natural resources (state water pollution control
16 revolving fund program), are authorized.

17 (kk) The legislative rules filed in the state register on the
18 twenty-ninth day of March, one thousand nine hundred ninety,
19 modified by the division of natural resources to meet the
20 objections of the legislative rule-making review committee and
21 refiled in the state register on the thirtieth day of August, one
22 thousand nine hundred ninety, relating to the division of natural
23 resources (assessment of civil administrative penalties), are
24 authorized.

1 ... (ll) The legislative rules filed in the state register on the
2 sixth day of August, one thousand nine hundred ninety, relating
3 to the division of natural resources (water pollution control
4 permit fee schedules), are authorized.

5 (mm) The legislative rules filed in the state register on the
6 fifteenth day of June, one thousand nine hundred ninety, modified
7 by the division of natural resources to meet the objections of
8 the legislative rule-making review committee and refiled in the
9 state register on the twenty-second day of August, one thousand
10 nine hundred ninety, relating to the division of natural
11 resources (underground storage tank insurance trust fund), are
12 authorized with the amendment set forth below:

13 On page four, after subsection 5.1, by inserting a new
14 subdivision 5.1.1 to read as follows:

15 "5.1.1 The fee shall be one hundred dollars per tank per
16 year (\$100/tank/year) for a period of not less than one (1) year
17 and not more than three (3) years. Second and third year
18 capitalization fees may be levied if there is an inadequate
19 surplus of funds, as determined by the Board of Risk and
20 Insurance Management, the Division of Natural Resources and the
21 Underground Storage Tank Advisory Committee pursuant to W. Va.
22 Code, §20-5H-7."

23 (nn) The legislative rules filed in the state register on the
24 thirteenth day of August, one thousand nine hundred ninety,
25 modified by the division of natural resources to meet the

1 objections of the legislative rule-making review committee and
2 refiled in the state register on the second day of October, one
3 thousand nine hundred ninety, relating to the division of natural
4 resources (underground storage tanks), are authorized with the
5 amendment set forth below:

6 On page four, section five, subsection 5.1, after the word
7 "requirements" by striking out the remainder of the subsection
8 and inserting in lieu thereof, the following:

9 "of Title 47, Series 37 (Underground Storage Tank Fee
10 Assessments); Title 47, Series 36, Section 4 (Notification
11 Requirements); and Title 47, Series 37A, Section 5
12 (Capitalization Fees) of the Code of State Regulations and the
13 owner or operator presents proof of the certification to the
14 carrier."

15 (oo) The legislative rules filed in the state register on the
16 thirteenth day of August, one thousand nine hundred ninety,
17 relating to the division of natural resources (dam safety), are
18 authorized.

19 (pp) The legislative rules filed in the state register on the
20 thirteenth day of August, one thousand nine hundred ninety,
21 modified by the division of natural resources to meet the
22 objections of the legislative rule-making review committee and
23 refiled in the state register on the twenty-eighth day of
24 November, one thousand nine hundred ninety, relating to the

1 division of natural resources (hazardous waste management), are
2 authorized.

3 (qq) The legislative rules filed in the state register on the
4 first day of July, one thousand nine hundred ninety-one, modified
5 by the division of natural resources to meet the objections of
6 the legislative rule-making review committee and refiled in the
7 state register on the nineteenth day of September, one thousand
8 nine hundred ninety-one, relating to the division of natural
9 resources (special motorboating regulations), are authorized.

10 (rr) The legislative rules filed in the state register on the
11 first day of May, one thousand nine hundred ninety-one, modified
12 by the division of natural resources to meet the objections of
13 the legislative rule-making review committee and refiled in the
14 state register on the twenty-second day of July, one thousand
15 nine hundred ninety-one, relating to the division of natural
16 resources (special fishing regulations), are authorized with the
17 amendment set forth below:

18 On page one, by striking out subsection 2.1 and inserting in
19 lieu thereof, a new subsection 2.1, to read as follows:

20 "2.1 "Daylight hours" means the time period between sixty
21 minutes before sunrise and sixty minutes after sunset."

22 (ss) The legislative rules filed in the state register on the
23 first day of July, one thousand nine hundred ninety-one, modified
24 by the division of natural resources to meet the objections of
25 the legislative rule-making review committee and refiled in the

1 state register on the twenty-first day of November, one thousand
2 nine hundred ninety-one, relating to the division of natural
3 resources (boating regulations), are authorized.

4 (tt) The Legislature hereby authorizes and directs the
5 division of natural resources to promulgate the legislative rule
6 relating to water pollution control permit fee schedules, 47 CSR
7 26, effective the twenty-second day of April, one thousand nine
8 hundred ninety-one, with the amendment set forth below:

9 On page eight, subdivision 7.4.1, at the end of the
10 subdivision by striking the period and adding the following:

11 " :. **Provided**, That if the chief determines that a facility is
12 in substantial compliance with its existing permit, the fee is
13 one thousand two hundred fifty dollars (\$1,250.00)."

14 (uu) The Legislature hereby authorizes and directs the
15 division of natural resources to amend its rules relating to
16 water pollution control permit fee schedules which were filed in
17 the code of state regulations (47 CSR 26) on the thirteenth day
18 of April, one thousand nine hundred ninety-two, with the
19 following amendments set forth below:

20 On page nine, after section 7.5, by inserting the following:

21 "7.6. Facilities Discharging Stormwater. The annual permit
22 fee for a facility that discharges stormwater only shall be
23 determined through the use of Table F of these regulations.

24 7.7. Aquaculture facilities. The annual permit fees for
25 aquaculture facilities that are subject to the provisions of the

1 water pollution control regulations shall be determined by Table
2 G of these regulations."

3 And after Table E, on page ten, by inserting Table F,
4 designated "Schedule of Annual Permit Fees For Facilities
5 Discharging Stormwater," and inserting Table G, designated
6 "Schedule of Annual Permit Fees For Aquaculture Facilities" to
7 read as follows:

8 "TABLE F

9 SCHEDULE OF ANNUAL PERMIT FEES FOR

10 FACILITIES DISCHARGING

11 STORMWATER

12 Average Discharge Volume	Annual Permit Fee
13 (gallons per day)	
14 less than 5,001	\$ 50
15 5,001 to 15,000	\$ 125
16 15,001 to 50,000	\$ 250
17 50,001 to 100,000	\$ 500
18 greater than 100,000	\$ 750"

19 and

20 "TABLE G

21 SCHEDULE OF ANNUAL PERMIT FEES FOR

22 AQUACULTURE FACILITIES

23 #Feed/Month	Annual Fee	Application Fee
		(Initial and Reissuance)
24 5,000 to 9,999	\$ 250	\$ 250

1	10,000 to 14,999	\$ 500	\$ 250
2	15,000 to 19,999	\$ 750	\$ 250
3	20,000 to 24,999	\$ 1,000	\$ 250
4	25,000 to 29,999	\$ 1,250	\$ 250
5	greater than 30,000	\$ 1,750	\$ 250"

6 (vv) The legislative rules filed in the state register on the
7 seventeenth day of September, one thousand nine hundred
8 ninety-two, modified by the division of natural resources to
9 meet the objections of the legislative rule-making review
10 committee and refiled in the state register on the sixteenth day
11 of December, one thousand nine hundred ninety-two, relating to
12 the division of natural resources (commercial sale of wildlife),
13 are authorized.

14 (ww) The legislative rules filed in the state register on the
15 ninth day of September, one thousand nine hundred ninety-two,
16 modified by the division of natural resources to meet the
17 objections of the legislative rule-making review committee and
18 refiled in the state register on the seventh day of December, one
19 thousand nine hundred ninety-two, relating to the division of
20 natural resources (deer hunting), are authorized.

21 (xx) The legislative rules filed in the state register on the
22 ninth day of September, one thousand nine hundred ninety-two,
23 modified by the division of natural resources to meet the
24 objections of the legislative rule-making review committee and
25 refiled in the state register on the seventh day of December, one

1 thousand nine hundred ninety-two, relating to the division of
2 natural resources (defining the terms to be used concerning all
3 hunting and trapping regulations), are authorized.

4 (yy) The legislative rules filed in the state register on the
5 ninth day of September, one thousand nine hundred ninety-two,
6 modified by the division of natural resources to meet the
7 objections of the legislative rule-making review committee and
8 refiled in the state register on the seventh day of December, one
9 thousand nine hundred ninety-two, relating to the division of
10 natural resources (dog training), are authorized.

11 (zz) The legislative rules filed in the state register on the
12 ninth day of September, one thousand nine hundred ninety-two,
13 modified by the division of natural resources to meet the
14 objections of the legislative rule-making review committee and
15 refiled in the state register on the seventh day of December, one
16 thousand nine hundred ninety-two, relating to the division of
17 natural resources (general hunting regulations), are authorized.

18 (aaa) The legislative rules filed in the state register on
19 the ninth day of September, one thousand nine hundred ninety-two,
20 modified by the division of natural resources to meet the
21 objections of the legislative rule-making review committee and
22 refiled in the state register on the seventh day of December, one
23 thousand nine hundred ninety-two, relating to the division of
24 natural resources (general trapping regulations), are authorized.

1 (bbb) The legislative rules filed in the state register on
2 the ninth day of September, one thousand nine hundred ninety-two,
3 modified by the division of natural resources to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the seventh day of December, one
6 thousand nine hundred ninety-two, relating to the division of
7 natural resources (special migratory bird hunting regulations),
8 are authorized.

9 (ccc) The legislative rules filed in the state register on
10 the ninth day of September, one thousand nine hundred ninety-two,
11 modified by the division of natural resources to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the seventh day of December, one
14 thousand nine hundred ninety-two, relating to the division of
15 natural resources (prohibitions when hunting and trapping), are
16 authorized with the amendments set forth below:

17 On page two, subsection 3.9., by striking out the words 'No
18 person may use portable tree stands on public lands' and
19 inserting in lieu thereof the words 'No person may use tree
20 stands, except for portable tree stands, on public lands.'

21 (ddd) The legislative rules filed in the state register on
22 the twenty-first day of April, one thousand nine hundred
23 ninety-two, modified by the division of natural resources to meet
24 the objections of the legislative rule-making review committee
25 and refiled in the state register on the sixteenth day of

1 December, one thousand nine hundred ninety-two, relating to the
2 division of natural resources (revocation of hunting and fishing
3 licenses), are authorized with the amendments set forth below:

4 "On page two, subsection 4.1., by striking out the word
5 'court' and inserting in lieu thereof the word 'commission';

6 And,

7 "On page two, subdivision 4.1.1, by striking out the word
8 'court' and inserting in lieu thereof the word 'commission'."

9 (eee) The legislative rules filed in the state register on
10 the ninth day of September, one thousand nine hundred ninety-two,
11 modified by the division of natural resources to meet the
12 objections of the legislative rule-making review committee and
13 refiled in the state register on the seventh day of December, one
14 thousand nine hundred ninety-two, relating to the division of
15 natural resources (special bear hunting regulations), are
16 authorized.

17 (fff) The legislative rules filed in the state register on
18 the seventeenth day of September, one thousand nine hundred
19 ninety-two, modified by the division of natural resources to meet
20 the objections of the legislative rule-making review committee
21 and refiled in the state register on the sixteenth day of
22 December, one thousand nine hundred ninety-two, relating to the
23 division of natural resources (special requirements concerning
24 boating), are authorized with the following amendment set forth
25 below:

1 On page one, after subdivision 3.1, by inserting a new
2 subdivision, designated 3.2, to read as follows:

3 3.2. The Pipestem Creek Cove portion of Bluestone Lake in
4 Bluestone State Park is designated for marina use only and is
5 restricted from fishing and other recreational use not directly
6 related to use as a marina.

7 (ggg) The legislative rules filed in the state register on
8 the ninth day of September, one thousand nine hundred ninety-two,
9 modified by the division of natural resources to meet the
10 objections of the legislative rule-making review committee and
11 refiled in the state register on the seventh day of December, one
12 thousand nine hundred ninety-two, relating to the division of
13 natural resources (special waterfowl hunting regulations), are
14 authorized.

15 (hhh) The legislative rules filed in the state register on
16 the ninth day of September, one thousand nine hundred ninety-two,
17 modified by the division of natural resources to meet the
18 objections of the legislative rule-making review committee and
19 refiled in the state register on the seventh day of December, one
20 thousand nine hundred ninety-two, relating to the division of
21 natural resources (wild boar hunting), are authorized.

22 (iii) The legislative rules filed in the state register on
23 the ninth day of September, one thousand nine hundred ninety-two,
24 modified by the division of natural resources to meet the
25 objections of the legislative rule-making review committee and

1 refiled in the state register on the seventh day of December, one
2 thousand nine hundred ninety-two, relating to the division of
3 natural resources (wild turkey hunting), are authorized.

4 (jjj) The legislative rules filed in the state register on
5 the tenth day of September, one thousand nine hundred ninety-two,
6 modified by the division of natural resources to meet the
7 objections of the legislative rule-making review committee and
8 refiled in the state register on the eighth day of December, one
9 thousand nine hundred ninety-two, relating to the division of
10 natural resources (West Virginia wildlife management areas), are
11 authorized.

12 (kkk) The legislative rules filed in the state register on
13 the seventeenth day of September, one thousand nine hundred
14 ninety-two, modified by the division of natural resources to meet
15 the objections of the legislative rule-making review committee
16 and refiled in the state register on the twenty-fifth day of
17 January, one thousand nine hundred ninety-three, relating to the
18 division of natural resources (recycling assistance fund grant
19 program), are authorized.

20 (lll) The legislative rules filed in the state register on
21 the seventeenth day of August, one thousand nine hundred ninety-
22 three, modified by the division of natural resources to meet the
23 objections of the legislative rule-making review committee and
24 refiled in the state register on the ninth day of November, one

1 thousand nine hundred ninety-three, relating to the division of
2 natural resources (special fishing), are authorized.

3

4 NOTE: The purpose of this bill is to authorize the Division
5 of Natural Resources to promulgate legislative rules relating to
6 special fishing.

7

8 Strike-throughs indicate language that would be stricken from
9 the present law, and underscoring indicates new language that
10 would be added.