

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #3

**FILED**

**AUG 12 1 59 PM '94**

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES  NO

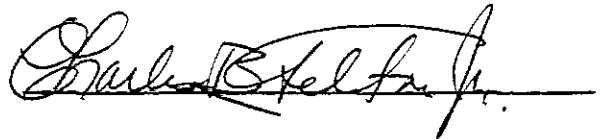
IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 6

TITLE OF RULE BEING AMENDED: West Virginia Wildlife Management  
Areas

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



CIRCUMSTANCES  
CONCERNING CHANGES TO  
WEST VIRGINIA WILDLIFE MANAGEMENT AREAS

AGENCY: Department of Commerce, Labor and Environmental Resources, Division of Natural Resources.

REGULATION: Title 58, Series 6, "West Virginia Wildlife Management Areas".

CIRCUMSTANCES: The definition of WMA includes technical changes for clarity.

Clarification and additions have been made to public shooting range rules to improve user understanding, range operations and to enhance safe operation of shooting ranges.

Increasing use of WMAs by mountain bike and horseback riders necessitate rules providing how and where these user groups may use the areas.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: West Virginia Wildlife Management Areas, 58 C.S.R. 6

Type of Rule: XX Legislative \_\_\_ Interpretive \_\_\_ Procedural

Agency: Division of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

| 1. Effect of Proposed Rule | ANNUAL   |          | FISCAL YEAR |           |            |
|----------------------------|----------|----------|-------------|-----------|------------|
|                            | Increase | Decrease | Current     | Next      | Thereafter |
| Estimated Total Cost       | \$       |          |             |           |            |
| Personal Services          | \$       |          |             |           |            |
| Current Expenses           | \$       |          |             |           |            |
| Repairs & Alterations      | \$       |          |             | No Change |            |
| Equipment                  | \$       |          |             |           |            |
| Other                      | \$       |          |             |           |            |

2. Explanation of above estimates: This legislative rule establishes regulations to govern public use of West Virginia Wildlife Management Areas. No new administrative expenditures are anticipated.
3. Objectives of this rule: To provide for the proper management of the State's wildlife resources.
4. Explanation of Overall Economic Impact of Proposed Rule.
  - A. Economic Impact on State Government. No impact.
  - B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact
  - C. Economic Impact on Citizens/ Public at Large. No impact.

Date: July 5, 1994

Signature of Agency Head or Authorized Representative



Director, Division of Natural Resources

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:

LEGISLATIVE RULE TITLE: West Virginia Wildlife Management Areas

1. Authorizing statute(s) citation § 20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing

July 5, 1994 - Comment Period

b. What other notice, including advertising, did you give of the hearing?

NONE

c. Date of Hearing(s) Comment period ended August 5, 1994

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached NONE No comments received 0

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 12, 1994

f. Name and phone number(s) of agency person(s) to contact for additional information:

Robert L. Miles, Chief

Wildlife Resources DNR

Rm 812, Bldg #3, Capitol Complex

Charleston, WV 25305  
558-2771

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

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b. Date of hearing: N/A

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c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

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d. Attach findings and determinations and reasons:

Attached N/A

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PREAMBLE TO A PROPOSED RULE  
CONCERNING  
WEST VIRGINIA WILDLIFE MANAGEMENT AREAS

**AGENCY:** Department of Commerce, Labor and Environmental Resources; Division of Natural Resources

**REGULATION:** Title 58, Series 6, "West Virginia Wildlife Management Areas".

**ACTION:** Filing of an amendment to a current legislative rule.

**SUMMARY:** This is a legislative rule which repeals and changes certain regulations on West Virginia Wildlife Management Areas which were made effective July 1, 1993. This rule establishes regulations to govern public use of West Virginia Wildlife Management Areas.

Written comments received prior to 4:00 pm August 5, 1994 will be accepted. Written comments should be sent to:

Bob Miles, Chief  
Division of Natural Resources  
Wildlife Resources Section  
Capitol Complex  
Building 3, Room 812  
Charleston, West Virginia 25305

TITLE 58  
LEGISLATIVE RULES  
DIVISION OF NATURAL RESOURCES

SERIES 6  
WEST VIRGINIA WILDLIFE MANAGEMENT AREAS

§58-6-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes regulations to govern public use of West Virginia wildlife management areas.

1.2. Authority. -- W. Va. Code §20-1-7(30) and 20-3-2.

1.3. Filing Date. --

1.4. Effective Date. --

§58-6-2. Definitions.

2.1. "All-Terrain Vehicle" or "ATV" means any motordriven vehicle specifically designed for off-road recreational activities that is not subject to vehicle registration requirements established under the provisions of Chapter 17A of the West Virginia Code.

2.2. "Division" means the West Virginia "Division" of Natural Resources.

2.3. "Wildlife Management Area" means any public access areas, public hunting areas, public fishing areas, public hunting and fishing areas, public shooting grounds, or public shooting ranges administered by the "Division". For the purpose of ~~this~~ these regulations the term "wildlife management area" also includes the West Virginia State Wildlife Center at French Creek.

2.4. "Public Shooting Range" means any range on a property owned or administered by the Division which is open to the general public for the practice of archery, pistolry, riflery, trapshooting (skeet), or a combination of such sports.

2.5. "Bicycle or Mountain Bike" means any light vehicle having two wheels one behind the other, a steering handle, a saddle seat or seats, and pedals by which it is propelled.

2.6. "Horse" means all members of the Genus Equus.

~~2.5.~~ 2.7. All other terms have the meaning prescribed to them in The Regulations Defining the Terms To Be Used Concerning All Hunting and Trapping Regulations (47 C.S.R. 11A).

§58-6-3. General Regulations.

3.1. Abandoned Property. The Division assumes no responsibility for watercraft or other personal property used on a wildlife management area. If such property is abandoned or left unattended for a period in excess of forty-eight (48) hours, the Division may remove and dispose of the property in accordance with applicable provisions of the West Virginia Code.

3.2. Camping. Tent and trailer camping on wildlife management areas is permitted in designated areas only. Any person who occupies a campsite for which there is a rental fee must pay that fee upon entering the wildlife management area.

3.3. Fires. Fires are permitted on wildlife management areas only in fireplaces, fire rings, or grates which have been provided by the State or in areas designated by the Division. Fires must be completely extinguished before a person leaves the site of the fire.

3.4. Livestock Grazing. It is illegal to graze livestock on a wildlife management area without first obtaining a special use permit from the Division.

3.5. Noises and Disturbances. Loud or excessive noise, disorderly conduct, or other disturbances are prohibited on wildlife management areas.

3.6. Property Damage. It is illegal to cut, damage, deface, or destroy any building, rock, shrub, sign, tree, or other property on a wildlife management area.

3.7. Removal of Objects. It is illegal to remove any man-made or natural object from a wildlife management area, except game legally taken during the open seasons prescribed under 47 C.S.R. 11, 12, and 20. Objects which may not be removed include, but are not limited to, animals, plants, rocks and minerals, sand, and historical or archaeological artifacts.

3.8. Vehicles in Wildlife Management Areas.

3.8.1. The maximum speed limit for vehicles is thirty (30) miles per hour, unless a lower speed limit is posted. All traffic signs and directions must be observed.

3.8.2. The driving of any vehicle in a manner which creates a nuisance to other persons by repetitive or continuous cruising is prohibited.

3.8.3. The use of all-terrain vehicles (ATVs), motorbikes and snowmobiles is prohibited except where specifically

permitted by posted signs on designated roads and trails.

3.8.4. The driving of any vehicle, ATV, or snowmobile in a manner so as to harass, chase, or annoy any animal or bird is prohibited.

3.9. Tree Stands. Only portable tree stands may be used on public lands.

#### §58-6-4. Special Regulations.

4.1. Stonecoal Wildlife Management Area. No person may create a shoreline development of any kind on the lands and waters under the administrative control of the Division within the boundaries of the Stonecoal Wildlife Management Area.

4.2. West Virginia State Wildlife Center at French Creek. Alcoholic beverages are prohibited within the boundaries of the West Virginia State Wildlife Center.

#### §58-6-5. Department of Commerce Facilities.

5.1. The regulations found in 144 C.S.R. 1 are in effect for those recreational facilities and areas administered by the West Virginia Department of Commerce in the following wildlife management areas:

- 5.1.1. Berwind Lake (McDowell County).
- 5.1.2. Big Ditch (Webster County).
- 5.1.3. Bluestone Lake (Mercer and Summers Counties).
- 5.1.4. Laurel Lake (Mingo County).
- 5.1.5. Moncove Lake (Monroe County).
- 5.1.6. Pleasant Creek (Barbour and Taylor Counties).
- 5.1.7. Plum Orchard Lake (Fayette County).
- 5.1.8. Teter Creek Lake (Barbour County).

#### §58-6-6. Public Shooting Ranges.

6.1. Hours of Operation. Hours of operation will be posted at the entrance to each public shooting range and no person may utilize the range except during the posted hours. The range may be temporarily closed at the discretion of the responsible district game biologist or area manager.

6.2. Range Safety. Each shooter utilizing a public shooting range must observe all posted range safety rules. ~~The firing line shall be defined as the line directly in front of and parallel to the shooting benches.~~

### 6.3. Shooting Range Targets.

6.3.1. Glass or metal containers may not be used as targets on any public shooting range. Only paper, clay and metal silhouette targets may be used on the range without prior approval of the district game biologist or area manager.

6.3.2. After use, targets or silhouettes must be removed from the range by the shooter or disposed of in containers provided at the range.

### 6.4. Other Prohibitions.

6.4.1. Alcoholic beverages are prohibited within the boundaries of all public shooting ranges.

6.4.2. No person may handle a weapon at a public shooting range while under the influence of alcohol, a controlled substance or other drug, or while under the combined influence of alcohol and a controlled substance or other drug.

6.4.3. No person under 16 years of age may use the range unless directly supervised by a person 18 years of age or older.

### 6.5. Firearms.

~~6.2.1.~~ 6.5.1. All firearms must be unloaded and firearm handling must cease while any person is forward of the firing line. Firearms may be loaded and discharged only at established shooting stations. The firing line shall be defined as the line directly in front of and parallel to the shooting benches.

~~6.2.1.~~ 6.5.2. No person may move forward of the firing line until all firing has ceased, all users acknowledge an "All Clear" command and all firearms have been unloaded and placed on the shooting benches.

~~6.2.3.~~ 6.5.3. Firearms must be pointed downrange at all times.

6.5.4. Use of automatic firearms are permitted except as otherwise designated by the district game biologist.

### §58-6-7. Mountain Bikes or Bicycles in Wildlife Management Areas.

7.1. The use of mountain bikes or bicycles are permitted only

on roads normally open to public travel and designated routes as posted on the area.

7.2. Groups of 10 or more people must obtain a permit from the district game biologist or area manager prior to riding a designated route.

7.2.1. Group size will be limited to a maximum of 25 people.

7.2.2. Use of the wildlife management area for competitive events will be prohibited.

7.2.3. Group use will be prohibited during Spring Gobbler Season and between October 10 and December 31 except Sundays.

7.2.4. No more than two groups may use a designated route in the wildlife management area for each daylight period.

§58-6-8. Horseback Riding in Wildlife Management Areas.

8.1. Horseback riding is permitted only on roads normally open to public travel and designated routes as posted on the area.

8.2. Groups of 10 or more people must obtain a permit from the district game biologist or area manager prior to riding a designated route.

8.2.1. Group size will be limited to a maximum of 25 people.

8.2.2. Use of the wildlife management area for competitive events will be prohibited.

8.2.3. Group use will be prohibited during Spring Gobbler Season and between October 10 and December 31 except Sundays.

8.2.4. No more than two groups may use a designated route in the wildlife management area for each daylight period.

8.3. Public use facilities.

8.3.1. No person shall bring or allow horses in designated camping areas.

8.3.2. Where horses are maintained in concentrations to create a solid waste problem, the owner shall be responsible for the removal and disposal of any waste produced by said animals. Feed shall be restricted to locally obtained or pelletized horse feed.