

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Bureau of Commerce, Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

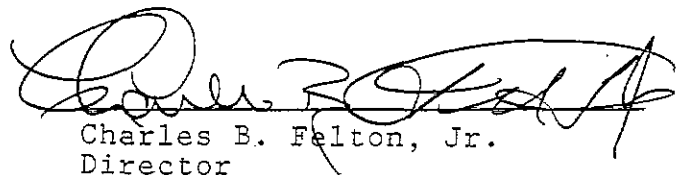
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

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, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Charles B. Felton, Jr.
Director

58-6

10 (b) The legislative rules filed in the state register on the
11 twelfth day of August, one thousand nine hundred
12 ninety-four, modified by the division of natural re-
13 sources to meet the objections of the legislative rule-
14 making review committee and refiled in the state register
15 on the fourteenth day of October, one thousand nine
16 hundred ninety-four, relating to the division of natural
17 resources (West Virginia wildlife management areas, 58
18 CSR 6), are authorized with the following amendments:

19 On page four, section 6.4.3, before the word "No" by
20 inserting "Except for persons who are under sixteen
21 years of age and who have a valid West Virginia hunting
22 license,";

23 And,

24 On page four, section 6.4.3, by deleting the capital

Enr. Com. Sub. for S. B. No. 112] 4

25 letter "N" and substituting in lieu thereof the lower case
26 "n."

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
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. --

1.5. Repeal of Former Rule. -- These rules repeal and replace 58 C.S.R. 6 "West Virginia Wildlife Management Areas" that were filed on June 24, 1993 and became effective June 24, 1993.

§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 rule 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 Rule 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 Rule Title 47 C.S.R. 11, 12, and 20. Objects which may not be removed included, 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. Drivers must observe all traffic signs and directions.

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. Bureau of Commerce Facilities.

5.1. The rules found in Title 144 C.S.R. 1 are in effect for those recreational facilities and areas administered by the West Virginia Bureau 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 public shooting 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 public shooting 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 fully automatic firearms is prohibited unless 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 is prohibited.

7.2.3. Group use is 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 is prohibited.

8.2.3. Group use is 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 the animals. Feed shall be restricted to locally obtained or pelletized horse feed.

KEN HECHLER
Secretary of State

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A. RENEE COE
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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

March 27, 1995

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Natural Resources
Wildlife Resources
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SB 112 authorizing, **Title 58, Series 6, WV Wildlife Management Areas**, passed the Legislature on **March 11, 1995**. It was signed by the Governor on March 23, 1995.

You have sixty (60) days after the Governor signs SB 112, 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 112** section **64-10-2(b)**. 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: YOUR AGENCY MUST SUBMIT A CLEAN COPY OF THE LEGISLATIVE RULE ON DISK, WITH ALL UNDERLINING, STRIKE-THROUGHS AND HEADERS/FOOTERS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. THE DISK MUST BE ON A WORD PERFECT (5.1 OR 5.2 VERSION) OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM 3 1/2" DOUBLE DENSITY DISK. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL ENABLE 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, STRIKE-THROUGHS AND HEADERS/FOOTERS 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

