

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

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Form #2

OFFICE OF THE SECRETARY OF STATE
STATE OF WEST VIRGINIA

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

RULE TYPE: Legislative; CITE AUTHORITY § 20-1-7(30) and § 20-3-2

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: West Virginia Public Hunting and Fishing Areas

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 8, 1992 AT 4:00 pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS Frank Pelurie, WV-DEP, Water Resources, 1201 Greenbrier Street, Charleston, WV 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.



J. Edward Hamrick III, Director
Division of Natural Resources

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2.80



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
 OFFICE OF THE SECRETARY
 State Capitol, Room R-151
 Charleston, West Virginia 25305-0310
 Telephone: (304) 558-3255
 Fax No.: (304) 558-4983

GASTON CAPERTON
 Governor

JOHN M. RANSON
 Cabinet Secretary

August 4, 1992

J. Edward Hamrick III, Director
 Division of Natural Resources
 Building 3, Room 669
 Charleston, West Virginia 25305

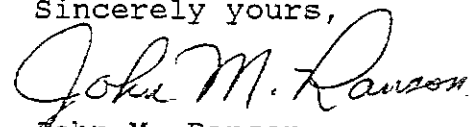
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 1992 AUG -5 AM 5:21
 OFFICE OF THE SECRETARY
 DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
 STATE OF WEST VIRGINIA

RE: Proposed Rule - Title 47, Series 6 (West Virginia Public Hunting & Fishing Areas)

Dear Ed:

Pursuant to West Virginia Code §5F-2-2(a)(12), I hereby consent to the proposal of the rule specified above.

You may attach a copy of this letter to your filing with the Secretary of State as evidence of my consent.

Sincerely yours,

 John M. Ranson
 Cabinet Secretary

JMR:cjb
 B:RUL-DNR2.RUL

FISCAL NOTE FOR PROPOSED RULE

Rule Title: West Virginia Wildlife Management Areas, 47 C.S.R. 6

Type of Rule: 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	\$0.00	\$0.00	\$0.00		
Personal Services	\$				
Current Expenses	\$				
Repairs & Alterations	\$				
Equipment	\$				
Other	\$				

2. Explanation of above estimates: The amendment to this rule will have only minimal impact on program costs as a result of name change from "Public Hunting and Fishing Areas" to "Wildlife Management Areas."

3. Objectives of this rule: This rule establishes the regulations governing public use of West Virginia Wildlife Management Areas. The modification changes the name of Public Hunting and Fishing Areas to Wildlife Management Areas, and adds a provision that only portable tree stands may be used on public lands.

4. Explanation of Overall Economic Impact of Proposed Rule.

- A. Economic Impact on State Government. None
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. None
- C. Economic Impact on Citizens/ Public at Large. None

Date: August 3, 1992

Signature of Agency Head or Authorized Representative


 Director, Division of Natural Resources

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 47, Series 6, "West Virginia Wildlife Management Areas."

ACTION: Filing of a Proposed Rule, and Notice of a Public Comment Period.

SUMMARY: The amendment to the proposed rule provides for the Public Hunting and Fishing Area name to be changed to Wildlife Management Area, and adds the provision that only portable tree stands may be used on public lands.

Written comments received prior to 4:00 pm, September 8, 1992 will be accepted. Written comments should be sent to:

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

TITLE 47
LEGISLATIVE RULES
DIVISION OF NATURAL RESOURCES

FILED

1992 JUN -5 AM 5:21

SERIES 6

WEST VIRGINIA ~~PUBLIC HUNTING AND FISHING~~ WILDLIFE MANAGEMENT
AREAS

§47-6-1. General.

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

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

1.3. Filing Date. -- ~~March 29, 1990.~~

1.4. Effective Date. -- ~~May 1, 1990.~~

§47-6-2. Definitions.

2.1. "All-Terrain Vehicle" or "ATV" means any motor-driven 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. "~~Public Hunting and Fishing Area Wildlife Management Areas~~" means any public access area, public hunting area, public fishing area, public hunting and fishing area, public shooting ground, or public shooting range administered by the Division. For the purpose of these regulations, the term "~~public hunting and fishing area~~" "wildlife management area" shall also include 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. All other terms shall have the meaning prescribed to them in the Code of State Regulations, Title 47, Series 11A (47 C.S.R. 11A).

§47-6-3. General Regulations.

3.1. Abandoned Property. - The Division assumes no

responsibility for watercraft or other personal property used on a ~~public hunting and fishing area~~ 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 such property in accordance with applicable provisions of the West Virginia Code.

3.2. Camping. - Tent and trailer camping on ~~public hunting and fishing areas~~ 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 ~~public hunting and fishing~~ wildlife management area.

3.3. Fires. - Fires are permitted on ~~public hunting and fishing areas~~ 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 ~~public hunting and fishing area~~ 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 ~~public hunting and fishing~~ 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 ~~public hunting and fishing~~ wildlife management area.

3.7. Removal of Objects. - It is illegal to remove any man-made or natural object from a ~~public hunting and fishing~~ wildlife management area, except game legally taken during the open seasons prescribed under 47 C.S.R. 11, 12, 13 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 ~~Public Hunting and Fishing~~ 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 (ATV's) 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.

§47-6-4. Special Regulations.

4.1. ~~Stonecoal Public Hunting and Fishing 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 Public Hunting and Fishing 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.

§47-6-5. Division of Tourism and Parks 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 Division of Tourism and Parks in the following ~~public hunting and fishing 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).

§47-6-6. 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. A range safety sign will be posted at the entrance to the shooting area to enumerate, at a minimum, the following safety rules.

6.2.1. All firearms must be unloaded and firearm handling must cease while any person is forward of the firing line. The firing line shall be defined as the line directly in front of and parallel to the shooting benches.

6.2.2. No person may move forward of the firing line until all firing has ceased and all firearms have been unloaded and placed on the shooting benches.

6.2.3. Firearms must be pointed downrange at all times.

6.3. Shooting Range Targets.

6.3.1. Glass or metal containers may not be used as targets on any public shooting range.

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.