

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

AUG 28 2 49 PM '95

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

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

CITE AUTHORITY: §§20-1-7(30 and 29A-1-3(c))

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§29A-1-3(c)

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

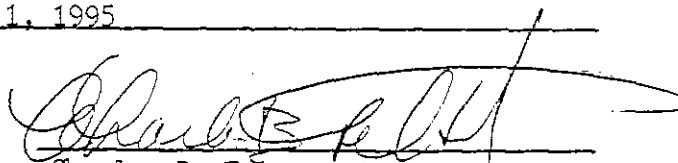
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 138

TITLE OF RULE BEING AMENDED: Special Waterfowl Hunting Areas

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

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 1, 1995



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

3.40

CIRCUMSTANCES FOR CHANGES IN
SPECIAL WATERFOWL HUNTING AREAS
TITLE 58, SERIES 13B

Regulations changes are in compliance with federal guidelines on waterfowl seasons, dates, and bag limits.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Special Waterfowl Hunting Areas, 58 C.S.R. 13B

Type of Rule: Exempt Legislative ___ Interpretive ___ Procedural

Agency: Division of Natural Resources

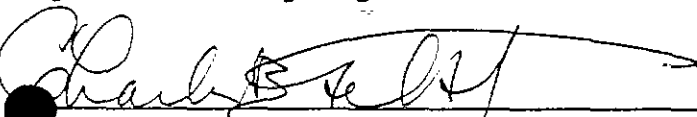
Address: Building 3, State Capitol Complex, Charleston, West Virginia

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: There is no change anticipated to administrative expenditures as a result of this rule.
3. Objectives of this rule: This legislative exempt rule establishes provisions for hunting waterfowl on specified areas of this State.
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: August 28, 1995

Signature of Agency Head or Authorized Representative


 Director, Division of Natural Resources

PREAMBLE TO A PROPOSED EXEMPT RULE
CONCERNING
SPECIAL WATERFOWL HUNTING AREAS

AGENCY: Bureau of Commerce, Division of Natural Resources

REGULATION: Title 58, Series 13B, "Special Waterfowl Hunting Areas".

ACTION: Filing of a repealed and replaced legislative exempt rule.

SUMMARY: This is a legislative exempt rule establishes provisions for hunting waterfowl on specified areas of the state.

TITLE 58
LEGISLATIVE RULES
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 13B
SPECIAL WATERFOWL HUNTING AREAS
(EXEMPT RULE)

§ 58-13B-1. General.

1.1. Scope and Purpose. -- This regulation establishes provisions for hunting waterfowl in specified areas of this State.

1.2. Authority. -- West Virginia Code §20-1-7(30).

1.3. Filing Date. -- August 28, 1995

1.4. Effective Date. -- September 1, 1995

§ 58-13B-2. Definitions.

2.1. All terms shall have the meaning prescribed in the Code of State Regulations, Title 47 Series 13A "Special Waterfowl Hunting Regulations" (47 C.S.R. 13A).

§ 58-13B-3. McClintic Wildlife Management Area.

3.1. The provisions of the Code of State Regulations, Title 58 Series 13 and Title 47 Series 13A are in effect at the McClintic Wildlife Management Area, except as provided in Sections 3.2 and 3.4 of these regulations.

3.2. Hunting in the controlled waterfowl hunting area is restricted to waterfowl hunting from State-controlled blinds during the period commencing on October ~~12~~, 199~~4~~5 and ending on October ~~14~~, 199~~4~~5 even if other hunting seasons run concurrently. The controlled waterfowl hunting area is marked by signs and includes Ponds #3, #6, #7, #8, #9, #11, #17, #18, #19, #36, #39, and #40.

3.3. Shooting hours in the controlled waterfowl hunting area are from thirty (30) minutes before sunrise until noon during the

period commencing on October 12, 19945 and ending on October 14, 19945.

3.4. All hunting in the controlled waterfowl hunting area is by permit only during the period commencing on October 12, 19945 and ending on October 14, 19945.

3.4.1. Applications for controlled area hunting permits must be received at the DNR Point Pleasant Office, Route 1, Box 484, Point Pleasant, West Virginia 25550, by September 11, 19945.

3.4.2. Letters of notification granting controlled area hunting permits will be sent to successful applicants.

3.4.3. Controlled area hunting permits are not transferable.

3.4.4. Hunters with valid controlled area hunting permits must report to the McClintic WMA Office prior to six o'clock antemeridian (6:00 a.m.) on the morning of the hunt. Failure to report by that time forfeits the hunter's reservation and the reserved blind will then be filled on a first-come, first-served basis.

3.4.5. Hunters must present the day's bag for inspection and return their controlled area hunting permits to the McClintic WMA Office prior to one o'clock postmeridian (1:00 p.m.) on the day of the hunt.

3.4.6. Hunters in the controlled area who violate the provisions of these regulations or conduct themselves in an unsportsmanlike manner at the McClintic Wildlife Management Area will not receive any further permits.

3.5. All hunters in the controlled waterfowl hunting area during the period commencing on October 12, 19945 and ending on October 14, 19945 must obey the following rules:

3.5.1. Hunters in the controlled area are restricted to fifteen (15) shells per hunter per day per hunt and must have a valid controlled hunting permit in possession while hunting in the controlled area.

3.5.2. Guns must be cased and unloaded except when in the blind area.

3.5.3. Alcoholic beverages are prohibited in the blind area.

3.5.4. Dogs must be kept on a leash except when in the blind area.

3.5.5. Hunters may not travel more than seventy-five (75) yards from the blind in pursuit of cripples.

§ 58-13B-4. Green Bottom Wildlife Management Area.

4.1. The provisions of the Code of State Regulations, Title 58 Series 13 and Title 47 Series 13A are in effect at the Green Bottom Wildlife Management Area, except as provided in Section 4.2 through 4.3 of these regulations.

4.2. Shooting hours for waterfowl are from thirty (30) minutes before sunrise until noon during the period commencing on October ~~2~~, 1994~~5~~ and ending on October ~~14~~, 1994~~5~~.

4.3. Waterfowl hunting is by permit only.

4.3.1. A permit shall be obtained at the Green Bottom Wildlife Management Area Headquarters prior to each day's hunt. Permits will be issued between the hours of five o'clock and seven o'clock antemeridian (5:00 a.m. through 7:00 a.m.) during the open waterfowl seasons.

§ 58-13B-5. Warden Lake Wildlife Management Area

5.1. Waterfowl hunting is prohibited on Warden Lake Wildlife Management in accordance with deed restrictions.