

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

AUG 9 10 20 AM '94

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

*Natural Resources*

AGENCY: Bureau of Commerce TITLE NUMBER: 58

CITE AUTHORITY: §§ 20-1-7(30) and 20-1-17(7)

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 \_\_\_\_\_

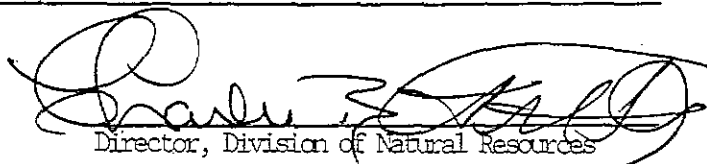
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 20

TITLE OF RULE BEING AMENDED: Fishing Regulations

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 August 9, 1994

  
Director, Division of Natural Resources

CIRCUMSTANCES FOR CHANGES IN  
FISHING REGULATIONS 58 C.S.R. 20

Boundary waters with the state of Maryland are owned by Maryland. Since fishing in these water is regulated under a reciprocal fishing agreement, regulation changes must be filed in West Virginia administrative regulations.

Regulations created for new West Virginia lakes and for newly designated muskellunge no-harvest areas on streams are included.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Fishing Regulations, 58 C.S.R. 20

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		Thereafter
	Increase	Decrease	Current	Next	
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.

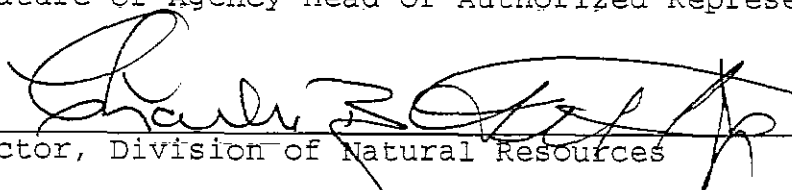
3. Objectives of this rule: 1) To update changes in Maryland regulations on the North Branch Potomac River, Potomac Run and Jennings Randolph Lake which border West Virginia and are part of the MD - WV reciprocal fishing agreement. 2) To add new lakes to the regulations to be designated for catch and release or 12 inch size limits on bass, prohibition of use of minnows and 3) To create two catch and release muskellunge fishing areas.

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 9, 1994

Signature of Agency Head or Authorized Representative

  
 Director, Division of Natural Resources

FILED

TITLE 58  
LEGISLATIVE RULES  
~~DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES~~  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

AUG 9 10 20 AM '94

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 20  
FISHING REGULATIONS  
(EXEMPT RULE)

§ 58-20-1. General.

1.1. Scope and Purpose. -- These regulations establish the open seasons and the size and creel limits 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. -- August 9, 1994

1.4. Effective Date. -- August 9, 1994

§ 58-20-2. Definitions.

2.1. "Aggregate" means the total creel or possession limit of similar kinds of game fish. For example, the daily creel limit for trout is six (6). This could be two (2) brown trout, two (2) brook trout, and two (2) rainbow trout, or any combination of six (6) trout, but not more than a total of six (6) per day nor more than a total of twelve (12) in possession.

2.2. "Impoundment" means any natural or artificial impoundment, lake, pond, or reservoir that is partially or wholly within the territorial limits of West Virginia and is owned and administered by the federal government or by the State or any political subdivision thereof.

2.3. "Possession Limit" means fish that are in any way under the control of the fisherman (i.e., the total of all fish of a single species in a vehicle, home freezer, commercial food locker, or other storage place).

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

§ 58-20-3. General Fishing Rules.

3.1. It is illegal to catch, take kill, or attempt to catch, take, or kill any fish at any time by any means other by rod, line, and hooks with natural or artificial lures unless otherwise

authorized by Section ~~40~~ 11 of these regulations.

3.2. It is illegal to use a firearm, a crossbow, dynamite or any like explosive, or a poisonous mixture placed in the water for the purpose of killing or taking fish, frogs, aquatic turtles, or other forms of aquatic life.

3.3. It is illegal to take fish, frogs, aquatic turtles, or other forms of aquatic life from a State fish hatchery.

3.3.1. Federal regulations prohibit the taking of fish or other forms of aquatic life from a federal fish hatchery.

3.4. To catch, take, kill, or attempt to catch, take, or kill a paddlefish (*Polyodon spathula*) at any time by any means shall be prohibited.

§ 58-20-4. Opening and Closing Dates.

4.1. Black Bass Season (Largemouth, Smallmouth, and Spotted Bass). -- The black bass season is open year-round, except as provided in Section 4.1.1 of these regulations.

4.1.1. The black bass season is closed from March 1 through June 15 on the following:

4.1.1.a. The North Branch of the Potomac River between the States of Maryland and West Virginia.

4.1.1.b. The Potomac River between the states of Maryland and West Virginia.

4.2. Trout Season (Brook, Brown, Rainbow, and Golden Rainbow Trout). -- The trout season is open year-round, except as provided in Section 4.2.1 of these regulations.

4.2.1.a. The Shavers Fork Catch-and-Release Trout Fishing Area. -- The trout season in this area is open year-round; however, from January 1 through the second Friday prior to the Saturday nearest to October 15, this area is open for catch-and-release trout fishing only.

4.2.1.b. The Williams River Catch-and-Release Trout Fishing Area. -- The trout season in this area is open year-round; however, from March 1 through May 31 this area is open for catch-and-release trout fishing only.

4.2.1.c. The South Branch of the Potomac River Catch-and-Release Trout Fishing Area. -- The trout season in this area is open year-round; however, from March 1 through May 31 this area is open for catch-and-release trout fishing only.

4.2.1.d. The North Branch of the Potomac River Catch-and-Release Trout Fishing Area described in Section 9.1.10.c. -- The trout season in this area is open year-round; however, from January 1 through May 31, this area is open for catch-and-release trout fishing only.

4.3. Muskellunge Season. -- Open year-round.

4.4. Tiger Musky Season. -- Open year-round.

4.5. Northern Pike Season. -- Open year-round.

4.6. Hybrid Striped Bass Season. -- Open year-round.

4.7. Walleye Season. -- Open year-round.

4.8. Sauger Season. -- Open year-round.

4.9. Channel Catfish Season. -- Open year-round.

4.10. Other Game and Nongame Fish Seasons. -- The seasons for game and nongame fish species not listed in Section 4 of these regulations are open year-round, except as provided in Section 10 11 of these regulations.

4.11. Frog Season (Bullfrogs and Green Frogs). -- This season opens at nine o'clock postmeridian (9:00 p.m.) on the Saturday nearest to June 15 and closes at midnight on July 31, except as provided in Section 4.11.1 of these regulations.

4.11.1. Big Sandy River (Wayne County) and Tug Fork River (Mingo and Wayne Counties). The frog season on portions of these rivers between the States of Kentucky and West Virginia opens at noon, eastern standard time, on the third Friday in May and closes at midnight on October 31.

§ 58-20-5. Daily Creel Limits and Possession Limits.

5.1. Black Bass (Largemouth, Smallmouth, and Spotted Bass). -- The daily creel limit is six (6) black bass in aggregate and the possession limit is twelve (12) black bass in aggregate, except as provided in Sections 5.1.1 through 5.1.3 of these regulations.

5.1.1. The daily creel limit is zero and the possession limit is zero on catch-and-release black bass fishing areas.

5.1.2. The daily creel limit is five (5) black bass in aggregate and the possession limit is ten (10) black bass in aggregate on the following:

5.1.2.a. Jennings Randolph Lake (Mineral County).

5.1.2.b. The North Branch of the Potomac River between the states of Maryland and West Virginia.

5.1.2.c. The Potomac River between the states of Maryland and West Virginia excluding the section between Dam #3 and Dam #4.

5.1.3. The daily creel limit is five (5) black bass in aggregate, of which one may be fifteen inches (15") or larger, and the possession limit is ten (10) black bass in aggregate on the Potomac River between the states of Maryland and West Virginia on the section between Dam #3 and Dam #4.

5.2. Trout (Brook, Brown, Rainbow and Golden Rainbow Trout). -  
- The daily creel limit is six (6) trout in aggregate and the possession limit is twelve (12) trout in aggregate, except as provided in Sections 5.2.1 through 5.2.45 of these regulations.

5.2.1. The daily creel limit is zero and the possession limit is zero on catch-and-release trout fishing areas.

5.2.2. The daily creel limit is zero and the possession limit is zero on fly-fishing-only areas.

5.2.3. The daily creel limit is five (5) trout in aggregate and the possession limit is five (5) trout in aggregate on the following:

5.2.3.a. Jennings Randolph Lake (Mineral County).

5.2.3.b. The North Branch of the Potomac River between the states of Maryland and West Virginia, except as provided in Sections 5.2.1. and 5.2.4. of these regulations.

5.2.3.c. The Potomac River between the states of Maryland and West Virginia.

5.2.4. The daily creel limit is two (2) trout in aggregate and the possession limit is two (2) trout in aggregate on the following:

5.2.4.a. That section of the North Branch of the Potomac River in Garrett County, Maryland bordering Grant County, West Virginia from the uppermost boundary of Maryland's Potomac State Forest near Wallman and extending upstream to the Preston County West Virginia line.

5.2.4.b. A seven (7) mile long section of the North Branch of the Potomac River in Garrett County, Maryland bordering Grant and Mineral counties, West Virginia from the uppermost boundary of Maryland's Potomac State Forest near Wallman and extending downstream to the lowermost boundary of Maryland's

Potomac State Forest near Lostland Run, except that the daily creel limit is zero and the possession limit is zero during the period January 1 through May 31.

5.2.45. The daily creel limit is four (4) trout in aggregate on the following:

5.2.45.a. Impoundments designated by the director and published annually.

5.2.45.b. Big Sandy Creek (Preston County).

5.2.45.c. Buffalo Creek (Brooke County).

5.2.45.d. Clear Fork (McDowell County).

5.2.45.e. Clear Fork (Wyoming County).

5.2.45.f. East Lynn Lake Tailwaters (Wayne County).

5.2.45.g. Edwards Run Pond (Hampshire County).

5.2.45.h. Indian Creek (Summers County).

5.2.45.i. Kings Creek (Hancock County).

5.2.45.j. North Fork of Fishing Creek (Wetzel County).

5.2.45.k. Paint Creek (Fayette County).

5.2.45.l. Panther Creek (McDowell County).

5.2.45.m. Paw-Paw Creek (Marion County).

5.2.45.n. South Fork of Fishing Creek (Wetzel ~~Creek~~ County).

5.2.45.o. Spruce Laurel Fork (Boone County).

5.2.45.p. Tomlinson Run (Hancock County).

5.2.45.q. West Fork of Twelvepole Creek (Wayne County).

5.2.45.r. Wheeling Creek (Marshall and Ohio Counties).

5.2.45.s. Wickwire Creek (Taylor County).

5.3. Muskellunge. -- The daily creel limit is two (2)

muskellunge and the possession limit is four (4) muskellunge, except as provided in Section 5.3.1. of these regulations:

5.3.1. The possession limit is two (2) muskellunge on the following:

5.3.1.a. Jennings Randolph Lake (Mineral County).

5.3.1.b. The North Branch of the Potomac River between the states of Maryland and West Virginia.

5.3.1.c. The Potomac River between the states of Maryland and West Virginia.

5.4. Tiger Musky. -- The daily creel limit is two (2) tiger musky and the possession limit is four (4) tiger musky, except as provided in Section 5.4.1. of these regulations.

5.4.1. The possession limit is two (2) tiger musky on the following:

5.4.1.a. Jennings Randolph Lake (Mineral County).

5.4.1.b. The North Branch of the Potomac River between the states of Maryland and West Virginia.

5.4.1.c. The Potomac River between the states of Maryland and West Virginia.

5.5. Northern Pike. -- The daily creel limit is two (2) northern pike and the possession limit is four (4) northern pike, except as provided in Section 5.5.1 of these regulations.

5.5.1. The possession limit is two (2) northern pike on the following:

5.5.1.a. Jennings Randolph Lake (Mineral County).

5.5.1.b. The North Branch of the Potomac River between the states of Maryland and West Virginia.

5.5.1.c. The Potomac River between the states of Maryland and West Virginia.

5.6. Hybrid Striped Bass. -- Except as provided in Section 5.409.1 of these regulations, the daily creel limit is four (4) hybrid striped bass and the possession limit is eight (8) hybrid striped bass on the following:

5.6.1. Beech Fork Lake (Wayne County).

5.6.2. East Lynn Lake (Wayne County).

5.6.3. R.D. Bailey Lake (Mingo and Wyoming Counties).

5.6.4. Mount Storm Lake (Grant County).

5.7. Walleye, Sauger and Saugeye. -- The daily creel and possession limits for walleye, sauger and saugeye are as follows:

5.7.1. The daily creel limit for walleye, sauger, and saugeye is ten (10) in aggregate and the possession limit is twenty (20) in aggregate on all rivers except as provided in section 5.7.1.a.

5.7.1.a. The daily creel limit for walleye is five (5) and possession limit is five (5) on the North Branch of the Potomac and Potomac Rivers between the states of Maryland and West Virginia.

5.7.2. The daily creel limit for walleye, sauger, and saugeye is eight (8) and possession limit is sixteen (16) on all lakes except as provided in Section 5.7.2.a.

5.7.2.a. The daily creel limit for walleye is five (5) and possession limit is five (5) on Jennings Randolph Lake (Mineral County).

5.8. Channel Catfish. -- The daily creel and possession limit for channel catfish are as follows:

5.8.1. ~~Channel Catfish.~~ -- The daily creel limit is four (4) channel catfish and the possession limit is sixteen (16) channel catfish on impoundments designated by the director and published annually.

5.8.2 The daily creel limit is five (5) channel catfish and the possession limit is ten (10) channel catfish on the Potomac River between the states of Maryland and West Virginia.

5.9. Striped Bass and White Bass. -- There are no daily creel or possession limits for striped bass and white bass except for the following:

5.9.1. In all rivers of this State and Bluestone Lake (Summers County), the daily creel limit for hybrid striped bass, striped bass, and white bass measuring fifteen inches (15") or longer is four (4) in aggregate and the possession limit for hybrid striped bass, striped bass, and white bass measuring fifteen inches (15") or longer is eight (8) in aggregate.

5.10. Other Game and Nongame Fish. -- There are no daily creel or possession limits on game and nongame fish species not listed in

Section 4 of these regulations, except as provided in 5.10.1 of these regulations.

5.10.1. The daily creel limit is five (5) chain pickerel on the following:

5.10.1.a. Jennings Randolph Lake (Mineral County).

5.10.1.b. The North Branch of the Potomac River between the states of Maryland and West Virginia.

5.10.1.c. The Potomac River between the states of Maryland and West Virginia.

5.11. Bullfrogs and Green Frogs. -- The daily (noon to noon) creel limit is ten (10) frogs and the possession limit is twenty (20) frogs.

5.12. Mussels -- Possession of mussels or any parts thereof is prohibited.

5.13. Minnows and other Aquatic Life. -- A person may have in his possession no more than fifty (50) minnows nor more than a total of one hundred (100) aquatic animal life unless obtained from a licensed dealer and accompanied by a bill of sale.

#### § 58-20-6. Size Limits.

6.1. Black Bass (Largemouth, Smallmouth, and Spotted Bass). -- There are no size limits for black bass, except as provided in Sections 6.1.1 through 6.1.3 of these regulations.

6.1.1. There is a twelve inch (12") minimum size limit for black bass on the following:

6.1.1.a. Barboursville Lake (Cabell County)

6.1.1.b. Beech Fork Lake (Wayne County).

6.1.1.c. Conaway Run Lake (Tyler County).

6.1.1.d. South Mill Creek Lake (Grant County).

6.1.1.de. Jennings Randolph Lake (Mineral County).

6.1.1.ef. The North Branch of the Potomac River between the states of Maryland and West Virginia.

6.1.1.fg. The Potomac River between the states of Maryland and West Virginia excluding the section between Dam #3 and Dam #4.

6.1.1.gh. Wheeling Creek (Marshall and Ohio Counties).

6.1.2. There is a twelve to sixteen inch (12" to 16") slot limit in effect at East Lynn Lake (Wayne County) (i.e., all black bass twelve to sixteen inches in length that are caught at East Lynn Lake must be released immediately).

6.1.3. There is an eleven to fifteen inch (11" to 15") slot limit in effect on the Potomac River between the states of Maryland and West Virginia on the section between Dam #3 and Dam #4 (i.e., all black bass eleven to fifteen inches in length that are caught on the Potomac River between Dam #3 and Dam #4 must be released immediately).

6.2. Trout (Brook, Brown, Rainbow, and Golden Rainbow Trout). -- There are no size limits for trout.

6.3. Muskellunge. -- There is a thirty inch (30") minimum size limit for muskellunge.

6.4. Tiger Musky. -- There is a twenty-eight inch (28") minimum size limit for tiger musky except as provided in Section 6.4.1. of these regulations.

6.4.1. There is a thirty inch (30") minimum size limit for tiger musky on the following:

6.4.1.a. Jennings Randolph Lake (Mineral County).

6.4.1.b. The North Branch of the Potomac River between the states of Maryland and West Virginia.

6.4.1.c. The Potomac River between the states of Maryland and West Virginia.

6.5. Northern Pike. -- There is a twenty-eight (28") minimum size limit for northern pike, except as provided in Section 6.5.1 of these regulations.

6.5.1. There is a twenty inch (20") minimum size limit for northern pike on the following:

6.5.1.a. Jennings Randolph Lake (Mineral County).

6.5.1.b. The North Branch of the Potomac River between the states of Maryland and West Virginia.

6.5.1.c. The Potomac River between the states of Maryland and West Virginia.

6.6. Hybrid Striped Bass. -- There is a fifteen inch (15") minimum size limit for hybrid striped bass on the following:

6.6.1. Beech Fork Lake (Wayne County).

6.6.2. East Lynn Lake (Wayne County).

6.6.3. R.D. Bailey Lake (Mingo and Wyoming Counties).

6.6.4. Mount Storm Lake (Grant County).

6.7. Walleye. -- There are no size limits for walleye, except as provided in Sections 6.7.1 and 6.7.2 of these regulations.

6.7.1. There is a ~~fourteen inch (14")~~ fifteen inch (15") minimum size limit for walleye on the following:

6.7.1.a. Jennings Randolph Lake (Mineral County).

6.7.1.b. The North Branch of the Potomac River between the states of Maryland and West Virginia.

6.7.1.c. The Potomac River between the states of Maryland and West Virginia.

6.7.2. There is a twenty inch (20") maximum size limit for walleye on the Potomac River between the states of Maryland and West Virginia from January 1 through April 15.

6.8. Sauger. -- There are no size limits for sauger.

6.9. Channel Catfish. -- There are no size limits for channel catfish.

6.10. Striped Bass and White Bass. -- Except as provided in Section 5.409.1 of these regulations, there are no size limits for striped bass or white bass.

6.11. Other Game and Nongame Fish. -- There are no size limits for game and nongame fish species not listed in Section 4 of these regulations, except as provided in Section 6.11.1. of these regulations.

6.11.1. There is a fourteen inch (14") minimum size limit for chain pickerel on the following:

6.11.1.a. Jennings Randolph Lake (Mineral County).

6.11.1.b. The North Branch of the Potomac River Between the States of Maryland and West Virginia.

6.11.1.c. The Potomac River between the states of Maryland and West Virginia.

6.12. Bullfrogs and Green Frogs. -- There are no size limits for frogs.

§ 58-20-7. Catch and Release Black Bass Fishing Regulations.

7.1. Catch-and-Release Black Bass Fishing Areas.

7.1.1. O'Brien Lake (Jackson County).

7.1.2. Stonewall Jackson Lake (Lewis County).

7.1.3. Woodrum Lake (Jackson County).

7.1.4. Upper Mud River Lake (Lincoln County).

7.1.5. Howards Creek Lake (Greenbrier County).

7.1.6. Kimsey Run Lake (Hardy County).

7.1.47. The South Branch of the Potomac River (Hampshire County): -- A nine and one half (9.5) mile section in Hampshire County beginning at the Romney Bridge (U.S. Route 50 and State Route 28) and extending downstream to the Blue Beach Bridge (State Route 28) at Grace.

7.1.58. The South Branch of the Potomac River (Hardy County): -- An eight (8) mile section in Hardy County beginning three (3) miles east of Petersburg at the Petersburg Gap Bridge (U.S. Route 220 and State Route 28) and extending downstream to the Fisher Bridge (County Route 13).

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

§ 58-20-8. Catch and Release Muskellunge Fishing Regulations.

8.1. Catch and Release Muskellunge Fishing Areas.

8.1.1. Middle Island Creek (Tyler County): -- A six (6) mile section beginning at the State Route 18 bridge near Centerville and continuing downstream to the low water bridge near the Jug. Included in this area are sections of Indian Creek and McElroy Creek from the mouth to the first riffle.

8.1.2. Buckhannon River (Upshur County): -- A six and one-half (6 1/2) mile section beginning at the city of Buckhannon's water supply dam upstream to the first riffle. Included in this

area is the section of French Creek, from its mouth to the first riffle.

8.2. All fish caught on catch-and-release muskellunge waters must be returned to the water at once.

§ 58-20-89. Catch and Release Trout Fishing Regulations.

§9.1. Catch-and-Release Trout Fishing Areas.

§9.1.1. The Back Fork of the Elk River Catch-and-Release Trout Fishing Area: -- A four (4) mile section in Webster County beginning two (2) miles upstream from Webster Springs near County Route 24/3 and extending upstream along County Route 24 to a point near Breece.

§9.1.2. The Shavers Fork Catch-and-Release Trout Fishing Area: -- A five and one-half (5.5) mile section in Monongahela National Forest, Randolph County that extends from the mouth of Whitmeadow Run downstream to the mouth of McGee Run. This area can be reached from Forest Service Route 92, which intersects U.S. Route 250 four (4) miles west of Cheat Bridge.

§9.1.3. The North Fork of the South Branch of the Potomac River Catch-and-Release Trout Fishing Area: -- A three-quarter (3/4) mile section in Pendleton County at the mouth of Seneca Creek near the Seneca Rocks Visitors Center. This area can be reached from County Route 28/3.

§9.1.4. Williams River Catch-and-Release Trout Fishing Area: -- A one (1) mile section in Pocahontas County beginning two (2) miles below Tea Creek extending downstream. This area can be reached by Forest Service Route 86.

§9.1.5. South Branch of the Potomac River Catch-and-Release Trout Fishing Area. -- A one (1) mile section in Pendleton County beginning one (1) mile below U.S. Route 220 at Eagle Rock and extending downstream.

§9.1.6. The Cranberry River Catch-and-Release Trout Fishing Area. -- A four and three tenths (4.3) mile section in Webster and Pocahontas Counties beginning at the junction of the North and South Forks and extending downstream to the low water bridge at Dogway Fork. Access is by foot on Forest Service Route 76 from the Cranberry Glades parking area.

§9.1.7. The North Fork of Cranberry River Catch-and-Release Trout Fishing Area. -- A one-quarter (.25) mile section in Pocahontas County beginning at the mouth and extending upstream to the dam. Access is by foot on Forest Service Route 76.

89.1.8. The Woodbine Catch-and-Release Trout Fishing Area. -- A one and two tenths (1.2) mile section of Cranberry River in Nicholas County beginning at the Woodbine Recreation Area and extending downstream to the mouth of Jakeman Run. Access is by Forest Service Routes 76 and 83.

89.1.9. The Elk River Catch-and-Release Trout Fishing Area. -- A two (2) mile section in Randolph County beginning at Elk Springs and extending downstream to the Rose Run bridge. Access is by secondary route 49.

9.1.10. The North Branch of the Potomac River Catch and Release Trout Fishing Areas.

9.1.10.a. A three-quarter (3/4) mile section in Garrett County, Maryland bordering Mineral County, West Virginia from the mouth of an unnamed tributary at Bench Mark 1218 on the Westernport U.S.G.S. Quadrangle and extending downstream to a red post located 100 yards above the upstream concrete abutments at Barnum, West Virginia.

9.1.10.b. A four (4) mile section in Garrett County, Maryland from a red post just below a pool known as Blue Hole, approximately 1/3 mile upstream of Bench Mark 1110 on the Westernport U.S.G.S. Quadrangle, and extending downstream to the confluence of Piney Swamp Run.

9.1.10.c. A seven (7) mile section in Garrett County, Maryland bordering Grant and Mineral counties, West Virginia from the uppermost boundary of Maryland's Potomac State Forest near Wallman and extending downstream to the lowermost boundary of Maryland's Potomac State Forest near Lostland Run. This section is approximately six (6) miles above Jennings Randolph Lake.

89.2. Fishing on catch-and-release trout waters is permitted during daylight hours only, except that on the three (3) North Branch of the Potomac River Catch and Release Areas fishing is permitted between the hours of 5:30 a.m. and 10:00 p.m. only.

89.3. Only artificial flies and lures made of metal, wood, feathers, hair, or synthetic material may be used or in one's possession on catch-and-release trout waters.

89.3.1. Multiple-hook lures must have barbless hooks, except on the three (3) North Branch of the Potomac River Catch and Release Areas.

89.3.2. Single-hook lures may have barbed hooks.

89.4. 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.

§ 58-20-~~9~~10. Fly-Fishing-Only Fishing Regulations.

910.1. Fly-Fishing-Only Areas.

910.1.1. Second Creek Fly-Fishing-Only Area: -- A one and one-half (1.5) mile section on the Monroe County - Greenbrier County line at Rodgers Mill.

910.1.2. Rich Creek Fly-Fishing-Only Area: -- A one (1) mile section beginning at U.S. Route 219 crossing three (3) miles southwest of Lindside, Monroe County, and extending upstream along County Route 219/22 to a point near the Mercer County Anglers Club Hatchery.

910.1.3. Milligan Creek Fly Fishing Only Area. -- A one-third mile (.33) section beginning one (1) mile north of U.S. Route 60 from the County Route 60/15 bridge and extending downstream to a fence crossing.

910.1.4. Dogway Fork Fly Fishing Only Area. -- A one and eight tenths (1.8) mile section in Webster County extending from the mouth upstream to the dam. Access is by foot on Forest Service Route 78.

910.2. Fishing on fly-fishing-only waters is permitted during daylight hours only.

910.3. Only artificial flies and streamers may be used or in one's possession on fly-fishing only waters.

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

910.5. 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.

§ 58-20-~~10~~11. Other Fishing Methods.

~~10~~11.1. Dipping.

~~10~~11.1.1. Dipping for nongame fish is legal from February 1 through midnight on April 30.

~~10~~11.1.2. A dip net may not exceed thirty-six (36) square feet in overall area and its mesh may not be smaller than one-quarter inch (1/4").

~~10~~11.2. Bow Fishing.

1011.2.1. Residents must have a valid Class B license in order to fish using a bow and must observe all applicable provisions of these regulations.

1011.2.2. Nonresidents must have a valid Class E license in order to fish using a bow and must observe all applicable provisions of these regulations.

1011.2.3. It is illegal to use an arrow having an explosive head or shaft while bow fishing.

1011.2.4. It is illegal to use an arrow dipped in or smeared with poison or other chemicals while bow fishing.

1011.2.5. It is illegal to use a crossbow in bow fishing.

1011.2.6. Carp may be taken by bow year-round; other nongame fish may be taken by bow during all months except May and June.

1011.3. Gigging, Snagging, and Snaring.

1011.3.1. It is illegal to take game fish by gigging, snagging, or snaring.

1011.3.2. Nongame fish, turtles, and eels may be taken by gigging, snagging, or snaring from January 1 through May 15 and from July 15 through December 31, except as provided in Section 10.3.3 of these regulations: Provided, however, That snagging and gigging shall be prohibited within one hundred (100) feet of all U.S. Army Corps of Engineers Locks and Dams and their appurtenances.

1011.3.3. Suckers, carp, fallfish, and creek chubs may be taken by snaring year-round.

1011.4. Trotlines and Droplines.

1011.4.1. Trotlines and droplines must be attached to the bank, or a tree thereon.

1011.4.2. Trotlines and droplines must bear an identification tag that is legible and waterproof.

1011.4.3. Trotlines and droplines must be attended at least once every twenty-four (24) hours.

1011.4.4. Wire or cable lines and hooks with more than one point are prohibited.

1011.4.5. Trotlines.

1011.4.5.a. It is illegal to attach a trotline to public piers and docks or within fifty (50) feet of dam appurtenances.

1011.4.5.b. Trotlines are prohibited on impoundments designated by the director and published annually.

1011.4.5.c. Trotlines may be used at the following impoundments:

- 1011.4.5.c.A. Beech Fork (Wayne County).
- 1011.4.5.c.B. Bluestone (Summers County).
- 1011.4.5.c.C. Burnsville (Braxton County).
- 1011.4.5.c.D. East Lynn (Wayne County).
- 1011.4.5.c.E. Hawks Nest (Fayette County).
- 1011.4.5.c.F. Jennings Randolph (Mineral County).
- 1011.4.5.c.G. R.D. Bailey (Mingo and Wyoming Counties).
- 1011.4.5.c.H. Stonecoal (Lewis and Upshur Counties).
- 1011.4.5.c.I. Stonewall Jackson (Lewis County).
- 1011.4.5.c.J. Summersville (Nicholas County).
- 1011.4.5.c.K. Sutton (Braxton County).
- 1011.4.5.c.L. Tygart (Taylor County).

1011.4.6. Droplines.

1011.4.6.a. Droplines are prohibited on the following:

1011.4.6.a.A. Impoundments designated by the director and published annually.

1011.4.6.a.B. Elk River (Randolph, Webster, Braxton, Clay, and Kanawha Counties).

1011.4.6.a.C. Hughes River (Wirt County).

1011.4.6.a.D. Little Kanawha River (Braxton,

Gilmer, Calhoun, Wirt, and Wood Counties).

1011.4.6.a.E. Middle Island Creek (Tyler and Pleasants Counties).

1011.4.6.a.F. South Fork of Hughes River (Doddridge, Ritchie, and Wirt Counties).

1011.4.6.b. Droplines may be used at the following impoundments:

1011.4.6.b.A. Beech Fork (Wayne County).

1011.4.6.b.B. Bluestone (Summers County).

1011.4.6.b.C. Burnsville (Braxton County).

1011.4.6.b.D. East Lynn (Wayne County).

1011.4.6.b.E. Hawks Nest (Fayette County).

1011.4.6.b.F. Jennings Randolph (Mineral County).

1011.4.6.b.G. R. D. Bailey (Mingo and Wyoming Counties).

1011.4.6.b.H. Stonecoal (Lewis and Upshur Counties).

1011.4.6.b.I. Stonewall Jackson (Lewis County).

1011.4.6.b.J. Summersville (Nicholas County).

1011.4.6.b.K. Sutton (Braxton County).

1011.4.6.b.L. Tygart (Taylor County).

1011.5. Seining for Minnows and Minnow Traps.

1011.5.1. Game fish may not be seined or trapped.

1011.5.2. 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.

1011.5.3. Minnow traps may be used provided the openings are not larger than one inch (1") in diameter.

1011.6. Underwater Spearfishing.

1011.6.1. Nongame fish, except catfish, may be taken by

underwater spearfishing from July 1 through September 30 during daylight hours only.

~~10~~11.6.2. Spearfishing is prohibited on the following:

~~10~~11.6.2.a. Elk River, from Sutton Dam downstream to the U.S. Route 19 bridge at Sutton.

~~10~~11.6.2.b. New River, from Bluestone Dam downstream to the lower bridge at Hinton;

~~10~~11.6.3. Spearguns may be discharged only beneath the surface of the water.

~~10~~11.6.4. It is illegal to use a bolt having an explosive head or shaft while spearfishing.

~~10~~11.6.5. It is illegal to use a bolt dipped in or smeared with poison or other chemicals while spearfishing.

~~10~~11.6.6. A diver may not spearfish in such a manner as to interfere with other fishermen.

~~10~~11.6.7. A diver may not spearfish in heavily-travelled boat lanes, marked swimming areas, or marked waterskiing areas.

~~10~~11.6.8. Fish taken by spearfishing may not be returned to the water or left on the bank.

§ 58-20-~~11~~12. Use of Live Minnows as Bait.

~~11~~12.1. The use of live minnows as bait is prohibited at the following impoundments:

~~12~~.1.1. Anawalt (McDowell County).

~~11~~12.1.~~12~~. Anderson (Kanawha County).

~~11~~12.1.~~23~~. Barboursville (Cabell County)

~~11~~12.1.~~34~~. Bear Rocks (Ohio County).

~~11~~12.1.~~45~~. Berwind (McDowell County).

~~11~~12.1.~~56~~. Big Ditch (Webster County).

~~11~~12.1.~~67~~. Boley (Fayette County).

~~11~~12.1.~~78~~. Brandywine (Pendleton County).

~~11~~12.1.~~89~~. Brushy Fork (Site 19) (Pendleton County).

~~11~~12.1.~~910~~. Buffalo Fork (Pocahontas County).

~~1112.1.1011.~~ Cacapon (Morgan County).  
~~1112.1.1112.~~ Camp Run (Pendleton County).  
~~1112.1.1213.~~ Charles Fork (Roane County).  
~~1112.1.1314.~~ Chief Cornstalk (Mason County).  
~~1112.1.1415.~~ Chief Logan (Logan County).  
~~1112.1.1516.~~ Conaway Run (Tyler County).  
~~1112.1.1617.~~ Coopers Rock (Monongalia County).  
~~1112.1.1718.~~ Edwards Run (Hampshire County).  
~~1112.1.1819.~~ Elk Two Mile (Site 12) (Kanawha County).  
~~1112.1.1920.~~ Elk Two Mile (Site 13) (Kanawha County).  
~~1112.1.2021.~~ Fitzpatrick (Raleigh County).  
~~1112.1.2122.~~ Fork Creek (Boone County).  
~~1112.1.2223.~~ French Creek (Upshur County).  
~~1112.2.2324.~~ Frozencamp Left Fork (Jackson County)  
~~1112.2.2425.~~ Frozencamp Right Fork (Jackson County)  
~~1112.1.2526.~~ Handley (Pocahontas County).  
~~1112.1.2627.~~ Horse Creek (Wyoming County).  
12.1.28. Howards Creek (Greenbrier County).  
~~1112.1.2729.~~ Hurricane (Putnam County).  
~~1112.1.2830.~~ James P. Bailey (Mercer County).  
~~1112.1.2931.~~ Jonathan Larck (Putnam County)  
~~1112.1.3032.~~ Kanawha State Forest (Kanawha County).  
~~1112.1.3133.~~ Kee (Mercer County).  
12.1.34. Kimsey Run Lake (Hardy County).  
~~1112.1.3235.~~ Laurel (Mingo County).  
~~1112.1.3336.~~ Little Beaver (Raleigh County).  
~~1112.1.3437.~~ Miletree (Roane County).

~~1112.1.3538.~~ Moncove (Monroe County).  
~~1112.1.3639.~~ Mountwood (Wood County).  
~~1112.1.3740.~~ New Creek (Dam Number 14) (Grant County).  
~~1112.1.3841.~~ New Martinsville (Wetzel County).  
~~1112.1.3942.~~ North Bend (Ritchie County)  
~~1112.1.4043.~~ Pennsboro (Ritchie County).  
~~1112.1.4144.~~ Pinnacle (Mercer County).  
~~1112.1.4245.~~ Pipestem (Summers County).  
~~1112.1.4346.~~ Plum Orchard (Fayette County).  
~~1112.1.4447.~~ Raleigh County Airport Pond  
~~1112.1.4548.~~ Ridenour (Kanawha County).  
~~1112.1.4649.~~ Rock Cliff (Hardy County).  
~~1112.1.4750.~~ Rollins (Jackson County).  
~~1112.1.4851.~~ Seneca (Pocahontas County).  
~~1112.1.4952.~~ Sherwood (Greenbrier County).  
12.1.53. South Mill Creek Lake (Grant County).  
~~1112.1.5054.~~ Silcott Fork (Roane County).  
~~1112.1.5155.~~ Spruce Knob (Randolph County).  
~~1112.1.5256.~~ Summit (Greenbrier County).  
~~1112.1.5357.~~ Teter Creek (Barbour County).  
~~1112.1.5458.~~ Tracy (Ritchie County).  
~~1112.1.5559.~~ Trout (Hardy County).  
~~1112.1.5660.~~ Turkey Run (Marshall County).  
~~1112.1.5761.~~ Warden (Hardy County).  
~~1112.1.5862.~~ Watoga (Pocahontas County).  
~~1112.1.5963.~~ Westover Park (Monongalia County).  
~~1112.1.6064.~~ Wolf Run (Marshall County).

§ 58-20-~~1213~~. Night Fishing Regulations.

~~1213~~.1. Fishing at night is prohibited or restricted at the following impoundments:

~~1213~~.1.1. Boley (Fayette County): -- Night fishing by registered campers only.

~~1213~~.1.2. Coopers Rock (Monongalia County): -- No night fishing allowed.

~~1213~~.1.3. Dog Run (Harrison County): -- No night fishing allowed.

~~1213~~.1.4. Elk Two Mile (Site 12) (Kanawha County): -- No night fishing allowed.

~~1213~~.1.5. Elk Two Mile (Site 13) (Kanawha County): -- No night fishing allowed.

~~1213~~.1.6. French Creek (Upshur County): -- No night fishing allowed.

~~1213~~.1.7. James P. Bailey (Mercer County): -- No night fishing allowed.

~~1213~~.1.8. Jonathan Larck (Putnam County): -- No night fishing.

~~1213~~.1.9. Krodel (Mason County): -- No night fishing allowed.

~~1213~~.1.10. Larenim (Mineral County): -- No night fishing allowed.

~~1213~~.1.11. Little Beaver (Raleigh County): -- Night fishing by permit only.

~~1213~~.1.12. Lumberport (Harrison County): -- No night fishing allowed.

~~1213~~.1.13. New Martinsville (Wetzel County): -- No night fishing allowed.

~~1213~~.1.14. North Bend (Ritchie County): -- Night fishing by registered campers only.

~~1213~~.1.15. Pipestem (Summers County): -- No night fishing allowed.

~~1213~~.1.16. Rock Cliff (Hardy County): -- Night fishing by registered campers only.

1213.1.17. Seneca (Pocahontas County): -- No night fishing allowed.

1213.1.18. Stephens (Raleigh County): -- Night fishing by permit only.

1213.1.19. Tomlinson Run (Hancock County): -- No night fishing allowed.

1213.1.20. Watoga (Pocahontas County): -- No night fishing allowed.

1213.1.21. Westover Park (Monongalia County): -- No night fishing allowed.

§ 58-20-~~1314~~. McClintic Wildlife Management Area.

1314.1. The applicable provisions of Sections 3, 4, 5, 6, and 10 of these regulations are in effect at the McClintic Wildlife Management Area, except as provided in Sections 1314.2 through 1314.5 of these regulations.

1314.2. The use of live minnows as bait is prohibited at the McClintic Wildlife Management Area.

1314.3. The following ponds are closed to fishing year-round: Ponds #12, and #13.

1314.4. The following ponds are open for fishing year-round: Ponds #4, #5, #10, #14, #15, #21, #22, #23, #24, #26, #27, #28, #29, #30, #31, #32, #33, #37, and #38.

1314.5. The following ponds are open for fishing during the period commencing at thirty minutes past four o'clock postmeridian (4:30 p.m.) on the Friday prior to Memorial Day (Observed) and closing on December 31: Ponds #3, #6, #7, #8, #9, #11, #16, #17, #18, #19, #20, #34, #36, #39, and #40.



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**STATE OF WEST VIRGINIA**

**SECRETARY OF STATE**

Building 1, Suite 157-K  
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Charleston, WV 25305-0770

TO: Bernard Dowler

AGENCY: Natural Resources

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: September 26, 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: 20 TITLE: 58 Natural Resources

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Bernard F. Dowler

TITLE OF PERSON SIGNING: Administrator - Waters Fisheries

DATE: 10-4-94

\*\*\*\*\*

\* 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.