

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

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2005 AUG 26 P 2: 03

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #5

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

AGENCY: Natural Resources BOC DNR Wildlife Resources Section TITLE NUMBER: 58

CITE AUTHORITY: 20-1-17(7) 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: 59

TITLE OF RULE BEING AMENDED: Special Waterfowl Hunting Areas

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 1, 2005

Brian Helmick

Authorized Signature

#3.40

**TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES**

**SERIES 59
SPECIAL WATERFOWL HUNTING AREAS
(EXEMPT RULE)**

CIRCUMSTANCE AND SUMMARY

SUMMARY: Series 59 revises the current Special Waterfowl Hunting Areas Rule. This rule establishes provisions for hunting waterfowl in specified areas of West Virginia. The rule became effective on September 1, 2004. Revisions to this rule changes the opening and closing dates for 2005.

CIRCUMSTANCE: This rule establishes the opening and closing dates for waterfowl hunting on special areas as directed by the U.S. Fish and Wildlife Service.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Series 59, Special Waterfowl Hunting Areas Rule

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources, Wildlife Resources Section

Address: 1900 Kanawha Blvd., E. Capitol Complex, Bldg. 3, Room 842, Charleston, WV
25305

Phone Number: 304-558-2771 Email: _____

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

There is no change anticipated to the administrative expenditures as a result of this rule.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	2005 Increase/Decrease (use "-")	2006 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Equipment			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Series 59, Special Waterfowl Hunting Areas Rule

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

No impact.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This rule makes minor changes to the waterfowl hunting season dates on special areas for 2005.

Date: August 25, 2005

Signature of Agency Head or Authorized Representative

Brian Helms

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

SERIES 59
SPECIAL WATERFOWL HUNTING AREAS
(EXEMPT RULE)

FILED

2005 AUG 26 P 2:03

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§58-59-1. General.

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

1.2. Authority. -- W. Va. Code §§20-1-7(30) and 29A-1-3(c).

1.3. Filing Date. -- August 26, 2005

1.4. Effective Date. -- September 1, 2005

§58-59-2. Definitions.

2.1. All terms shall have the meaning prescribed in the Code of State Regulations, Title 58 Series 58 "Special Waterfowl Hunting Regulations" (58CSR58).

§58-59-3. McClintic Wildlife Management Area.

3.1. The provisions of the Code of State Regulations, Title 58 Series 57 and Title 58 Series 58 are in effect at the McClintic Wildlife Management Area, except as provided in Sections 3.2 through 3.5 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 1, ~~2004~~ 2005 and ending on October ~~165, 2004~~ 2005 even if other hunting seasons run concurrently. The controlled waterfowl hunting area is marked by signs and includes Ponds #3, #4, #5 #6, #7, #8, #9, #11, #12, #13, #14, #17, #18, #19, #20, #23, #36, #39, and #40.

3.3. Shooting and falconry hours in the controlled waterfowl hunting area are from thirty (30) minutes before sunrise until noon during the period commencing on October 1, ~~2004~~ 2005 and ending on October ~~165, 2004~~ 2005.

3.4. All hunting in the controlled waterfowl hunting area is by permit only during the period commencing on October 1, ~~2004~~ 2005 and ending on October ~~165, 2004~~ 2005.

3.4.1. Applications for controlled area hunting permits must be received at the DNR by September ~~409, 2004~~ 2005.

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 1, ~~2004~~ 2005 and ending on October 16~~5~~, ~~2004~~ 2005 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.

§58-59-4. Green Bottom Wildlife Management Area.

4.1. The provisions of the Code of State Regulations, Title 58 Series 57 and Title 58 Series 58 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 and falconry hours for waterfowl are from thirty (30) minutes before sunrise until noon during the period commencing on October 1, ~~2004~~ 2005 and ending on October 16~~5~~, ~~2004~~ 2005.

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~~ six o'clock and seven o'clock antemeridian (~~5~~6:00 a.m. through 7:00 a.m.) during the open waterfowl seasons.

§58-59-5. Warden Lake Wildlife Management Area.

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